

Mexico Federation of Women's Clubs, urging the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, memorial of Federated Trades Council, of Milwaukee, favoring continuance of Government control and Government ownership later; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Milwaukee Real Estate Board protesting against House bill 9248; to the Committee on the District of Columbia.

By Mr. Dale of New York: Petitions of sundry clubs and press associations against increase in second-class mail rates; to the Committee on Ways and Means.

Also, petition of Dr. W. E. B. Du Bois and a memorial of the Springfield (Mo.) Council of National Congress of Mothers and Parent-Teachers' Associations, urging the repeal of the zone system as applied to second-class postage; to the Committee on Ways and Means.

By Mr. DYER: Petition of members of Merchants' Exchange of St. Louis, Mo., against any increase in present price of wheat; to the Committee on Agriculture.

Also, petition of Merchants' Exchange of St. Louis, Mo., favoring House bill 8421, relative to conserving of foodstuffs and alcohol; to the Committee on Agriculture.

By Mr. GRAY of Alabama: Evidence in support of House bill 9472; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petition of Woman's Home Missionary Society of St. Joseph's Methodist Church, against railroad tracks crossing square No. 673 in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. KAHN: Petition of Col. J. S. Irby and 325 citizens of San Francisco, Cal., urging an increase of pay for Government employees; to the Committee on Appropriations.

By Mr. MOON: Papers to accompany a bill for the relief of James Williamson; to the Committee on Invalid Pensions.

By Mr. RANDALL: Resolution of the Ebell Club of Los Angeles, Cal., protesting against the zone postal amendment in the revenue bill; to the Committee on Ways and Means.

By Mr. SANFORD: Papers to accompany H. R. 10179, a bill granting an increase of pension to James C. Moore; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 10223, a bill granting a pension to John J. Burke; to the Committee on Pensions.

By Mr. SNELL: Petition of churches of Reber and Whallonsburg, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNOOK: Memorial of the Railway Mail Association, fifth division, Toledo (Ohio) branch, favoring an increase in compensation for railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the Ohio Rural Letter Carriers' Association of Western Ohio, petitioning for an allowance for equipment; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the farmers' institute held at Cecil, Ohio, on February 8, 1918, favoring a vigorous prosecution of the war; to the Committee on Military Affairs.

By Mr. STINESS: Petition of sundry citizens, members of the Methodist Episcopal Churches in Providence, R. I., protesting against the passage of Senate bill 3476, providing for railroad tracks crossing First Street, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of New Haven Woman's Club, favoring repeal of law providing for zone postal rates for second-class matter; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, February 27, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy guidance for the duties of this day. Look upon us as an organized society. Bless every department of our National Government. We pray Thee, through Thy grace, Thy wisdom and direction, that every department may be so coordinated as that there may be at the center of it a great heart and a great mind expressive of the highest aspirations and the broadest and deepest thought of the people of this land.

We lift our hearts to Thee, and pray that Thy blessing may rest upon those who abide under the shadow of a great sorrow; that Thy grace and presence may comfort and cheer them; that all who are put to the test, the uttermost test, of sorrow and of distress in this life may find in the companionship of God their solace and their comfort. Save us out of all our distresses and fit us for an everlasting life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

POLITICAL ACTIVITIES.

Mr. SHERMAN. Mr. President, I present a clipping from a newspaper for the authenticity of which I vouch. It shows that the activities of certain Republican authorities which have been regarded as quasi criminal by some gentlemen who have commented on them are not confined to Republicans, but our Democratic brethren show great signs of activity in various parts of the country in organizing for a partisan campaign. I ask that this clipping from a newspaper be published in the RECORD that Senators who indulge in the criticisms may at their leisure digest and absorb this item.

The PRESIDENT pro tempore. The Senator from Illinois asks that the clipping which he has sent to the desk be published in the RECORD. Is there objection?

There being no objection, the clipping was ordered to be printed in the RECORD, as follows:

DEMOCRATIC NATIONAL LEADERS PRACTICE PARTISANSHIP THEY DECRY IN THE REPUBLICAN PARTY IN THE MIDST OF FOREIGN WAR.

STATEMENT GIVEN OUT OCTOBER 16, 1917.

While the cry is being raised that Republicans should at this time entirely forget the interests of their party, on the assumption that Republican activity at this time is unpatriotic, the Democratic national organization is active to an unprecedented degree. The chairman of the Democratic national committee is Vance McCormick, recently named by President Wilson chairman of the national export council. His presence in Washington seems to have stimulated Democratic national activities. Some 40 employees are busy at Democratic national headquarters in the Woodward Building at Washington. The following bulletin was recently put out by the Democratic national committee, showing what the Democratic leaders are doing while they are decrying Republican organization activity as "unpatriotic":

"WASHINGTON, October 16.

"A regional system of organization recently adopted by the executive committee of the Democratic national committee for use in the future campaigns will be considered at a series of zone meetings to be held in various parts of the country, beginning this week.

"The first meeting will be held at the Brown Palace Hotel in Denver on Wednesday, October 17, and the second at the Parker House in Boston next Monday, October 22. Dates of the other meetings will be announced later.

"The plan is to organize the national committee into eight subcommittees, each of which will choose its regional chairman and perhaps establish zone headquarters.

"W. R. Hollister, assistant secretary, and W. D. Jamieson, assistant treasurer of the national committee, who are the directors of the permanent Democratic national organization in Washington, will attend the regional meeting and consult with the national committeemen and State chairmen in the different zones.

"Following is the system under which the country has been divided under the new plan, which establishes an innovation in major political party management:

"Zone 1: Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

"Zone 2: Connecticut, New Jersey, New York, and Porto Rico.

"Zone 3: Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.

"Zone 4: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

"Zone 5: Alabama, Florida, Georgia, and North Carolina.

"Zone 6: Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

"Zone 7: Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming.

"Zone 8: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Philippines, and Washington.

"National committeemen representing the States and Territories in the various zones, under the new system, will cooperate in the direction of future campaigns in their respective regions; while all of the subcommittees will operate under the supervision of the permanent headquarters of the national committee in Washington.

"Under this announced plan meetings are being held throughout the country preliminary to the congressional campaign of 1918 by Democratic leaders. The following account of a meeting held in New England, taken from the Boston Globe of October 23, is typical:

"Prominent Democrats representing State and national organizations of New England met at the Parker House yesterday and formed an organization which, it is believed, will enable the Democrats of New England to look after local political affairs and present their needs to the national organization of the party more effectively than in the past. New England headquarters will probably be opened in Boston before the opening of the congressional campaign of 1918.

"The New England district, the second to be organized, consists of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. At the meeting to-day Dr. John W. Coughlin, of Fall River, was elected chairman and Francis E. Sullivan, of Providence, secretary.

"Those present were Senator HENRY F. HOLLIS, and Alexander Murchie, of New Hampshire; William R. Pattangall, of Maine; Francis E. Sullivan, chairman of the Rhode Island State committee; Patrick H. Quinn, the Connecticut member of the Democratic national committee; James E. Kenney, the Vermont member of the national committee; Michael A. O'Leary, chairman of the Massachusetts State committee; Marcus A. Coolidge, of Fitchburg; and W. R. Hollister, assistant secretary of the Democratic national committee."

PETITIONS AND MEMORIALS.

Mr. BECKHAM. I present a communication in the nature of a memorial from citizens of Clay County, Ky., which I ask to have printed in the RECORD, omitting the signatures, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

GARRARD, CLAY COUNTY, KY.,
February 19, 1918.

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.

DEAR SENATOR: We the undersigned unite in asking you to use all your influence to have the new postal rates on second-class matter repealed. We do not see why the cost of mailing a magazine or newspaper should be made burdensome for those far away from the place of publication while near-by readers escape.

Is it not true that the Postal Department shows a surplus even with the present rates on second-class matter? And how is it then in Canada, with only 6,000,000 people, second-class postal rates are just half of what they are in the United States and yet the Canadian Post Office operates at a profit? It seems like an unjust imposition to us to tack this zone-system clause on to a war-revenue bill. By means of magazines and newspapers we learn how best to serve our country in this her hour of need of every citizen, man and woman.

Please do all in your power to have this zone-system clause repealed when Congress convenes.

Yours, very truly,

Mrs. NELLIE L. HORTON,
(And others).

Names are coming in daily over the phone or signed once to be used on three letters—two Senators and one Congressman—so I have had to copy the names. Yours for victory through justice to all.

Mr. NELSON presented a petition of sundry citizens of Viking, Minn., and a petition of sundry citizens of Fisher, Minn., praying for an increase in the amount of tax on excess war profits to a larger extent than provided in the revenue bill, which were referred to the Committee on Finance.

Mr. KENYON presented a petition of sundry citizens of Marion, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of all alcoholic stimulants, including wine and beer, during the war, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 3399) to amend an act approved May 27, 1908 (35 Stats., pp. 417, 418), and for other purposes, reported it without amendment and submitted a report (No. 290) thereon.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (S. 189) granting an honorable discharge to Owen S. Willey, reported it with amendments and submitted a report (No. 291) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 3125) for the relief of certain enlisted men of the United States Navy, reported it without amendment and submitted a report (No. 292) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEW:

A bill (S. 3971) granting a pension to James K. Waltermire (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3972) granting an increase of pension to James F. Byard (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 3973) to authorize the Supreme Court to prescribe forms and rules, and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts; to the Committee on the Judiciary.

A bill (S. 3974) granting a pension to Margaret E. Gibboney (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3975) granting a pension to Nathan L. Brass (with accompanying papers); and

A bill (S. 3976) granting a pension to John F. Jackson (with accompanying papers); to the Committee on Pensions.

WAR FINANCE CORPORATION.

The PRESIDENT pro tempore (Mr. SAULSBURY) submitted an amendment intended to be proposed by him to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—EDWIN MARVIN CARTER.

On motion of Mr. SMITH of Georgia, it was

Ordered, That the papers in the case of Senate bill 8036, Sixty-fourth Congress, granting a pension to Edward Marvin Carter, be withdrawn, no adverse report having been made thereon.

PROTECTION OF SOLDIERS AND SAILORS' CIVIL RIGHTS—CONFERENCE REPORT.

Mr. OVERMAN. I submit a report of the committee of conference on the disagreeing votes of the two Houses upon House bill 6361, and I ask for its adoption.

Mr. SIMMONS. If my colleague will permit me, I should like to call his attention to the fact that the Senator from Massachusetts [Mr. LODGE] gave notice that he would address the Senate this morning.

Mr. OVERMAN. Then I will merely submit the report. If there is objection to its consideration now, of course I will ask that it go over to be taken up at some other time.

The PRESIDENT pro tempore. The request of the Senator from North Carolina will be complied with.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 12, 22, 23, 24, 25, 26, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 8, 9, 10, 14, 16, 17, 18, 19, 20, 21, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, and 43, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or against a person secondarily liable under such right"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 103. Whenever pursuant to any of the provisions of this act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may in the discretion of the court likewise be granted to sureties, guarantors, indorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"When a judgment or decree is vacated or set aside in whole or in part as provided in this act, the same may in the discretion of the court likewise be set aside and vacated as to any surety, guarantor, indorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the word "chiefly"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the matter inserted by said amendment, strike out the following in lines 10, 11, 12, 13, and 14, page 13: "and in all cases where under the terms of the contract of insurance any person other than the insured has a vested interest therein the consent of such other person shall be included in such application"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In line 1, page 18, after the word "settlement" insert the words "or payment of dividend"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said

amendment insert the following: "Before any dividend is paid or any loan or settlement is made the written consent of the Bureau of War-Risk Insurance must be obtained"; and the Senate agree to the same.

LEE S. OVERMAN,
D. U. FLETCHER,
KNUTE NELSON,

Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD.

Managers on the part of the House.

SHORTAGE OF COAL AND SUGAR.

The PRESIDENT pro tempore. The morning business is closed.

Mr. LODGE. Mr. President—

Mr. NELSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Shields
Bankhead	Johnson, S. Dak.	New	Simmons
Beckham	Jones, N. Mex.	Norris	Smith, Ga.
Brandeggee	Jones, Wash.	Nugent	Smith, Mich.
Calder	Kellogg	Overman	Smith, S. C.
Colt	Kendrick	Page	Smoot
Culberson	Kenyon	Penrose	Sutherland
Curtis	King	Phelan	Swanson
Dillingham	Kirby	Pittman	Thomas
France	Knox	Polindexter	Tillman
Frelinghuysen	Lodge	Pomerene	Townsend
Gallinger	McCumber	Ransdell	Trammell
Gronna	McKellar	Reed	Underwood
Hale	McLean	Saulsbury	Vardaman
Harding	McNary	Shafroth	Wadsworth
Hardwick	Martin	Sheppard	Warren
Henderson	Myers	Sherman	

Mr. McNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness. I ask that this announcement may stand for the day.

Mr. GRONNA. I announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] due to illness in his family.

Mr. ASHURST. The senior Senator from Arizona [Mr. SMITH] is absent from the Senate by reason of personal illness.

Mr. HALE. I wish to state that my colleague [Mr. FERNALD] is absent on official business.

Mr. CURTIS. I desire to announce the absence of the Senator from California [Mr. JOHNSON] on official business.

Mr. BECKHAM. I wish to announce the absence of my colleague [Mr. JAMES] on account of illness. I will let this announcement stand for the day.

Mr. TRAMMELL. I desire to announce the necessary absence of my colleague [Mr. FLETCHER] on official business.

Mr. CURTIS. I wish to announce the absence of the senior Senator from Iowa [Mr. CUMMINS] on account of the death of his wife. I need not say that he has the sympathy of all Senators in his great bereavement.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], owing to illness.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, I desire to discuss at no greater length than is absolutely necessary the testimony taken by the subcommittee of the Committee on Manufactures in regard to the shortage of sugar and coal pursuant to Senate resolution 163. When I introduced the resolution I was spurred thereto by conditions in that portion of the country which I in part represent. But I also rested my action on far broader grounds which sustain and justify all the investigations and inquiries ordered and held by the Senate and the House. My action was based on the principle laid down by the elder Pitt in 1740, when he said in the House of Commons:

Our time can not be more usefully employed during a war than in examining how it has been conducted, and settling the degrees of confidence that may be reposed in those to whose care are entrusted our reputation, our fortunes, and our lives.

There is not any inquiry, sir, of more importance than this; it is not a question about an uncertain privilege or a law which, if found inconvenient, may hereafter be repealed. We are now to examine whether it is probable that we shall preserve our commerce and our independence, or whether we are sinking into subjection to a foreign power.

But this inquiry, sir, will produce no great information if those whose conduct is examined are allowed to select the evidence, for what accounts will they exhibit but such as have often already been laid before us, and such as they now offer without concern? Accounts, obscure and fallacious, imperfect and confused, from which nothing can be learned, and which can never entitle the minister to praise, though they may screen him from punishment.

The subcommittee began its hearings on the 12th day of December, 1917. Those hearings were continued until January 23, 1918. The subcommittee sat all through the holidays and during the period which elapsed between the first hearing and the last they were in session nearly every day, and generally all day, and took testimony which fills some 2,000 pages. It is not my intention to weary the Senate with tables of figures or with long citations from this mass of testimony. I intend merely to set forth the conclusions at which I have arrived after hearing the witnesses and giving to the subject many hours of thought and consideration. The general facts upon which I base my conclusions are all to be found in the evidence and in no case, so far as the facts are concerned, have I gone outside the record.

Before entering upon a discussion of the policy adopted during the past year in regard to the production, price, and distribution of sugar and coal it seems to me that we ought to recall and have clearly in our minds the general economic conditions of the world which existed prior to the war in Europe and also the same economic conditions, as changed by the war, between August, 1914, and April, 1917. Following the Spanish War there came a period of very great prosperity not only in this country but throughout the civilized world. Coincident, roughly speaking, with this period of prosperity began a general advance in prices and consequently in the cost of living. This advance in prices continued until the beginning of the war, in August, 1914. I do not draw a line at this point because the advance in prices ceased but because there was then a new and violent change in economic conditions. During this period, extending from the end of the last century to 1914 and covering practically fifteen years, there were, of course, fluctuations, but the general movement of prices with few exceptions was steadily upward. In this country, at least, strong efforts were made to check the advance in the cost of living by legislation, such as the regulation of railroad rates, better enforcement of the laws against trusts and combinations, and severe tariff reductions. Despite these attempts to lower prices by law and despite the occurrence of a serious business depression in 1907, the level of prices continued to advance. This fact indicates that there were fundamental economic causes at work which were carrying prices upward and which could not be permanently checked either by business depression or by the artifices of legislation. One of these causes no doubt was to be found in the period of prosperity itself, which was accompanied by increased profits and advancing wages, conditions which always produce among all classes of the community a general willingness to spend more and a general desire to live better. This increased expenditure, of course, must move, and always has moved, prices upward. It has been very obvious, for example, in the matter of the consumption of meat. More than ten years ago it was pointed out by authorities upon the subject that the consumption of meat was outrunning the increase in edible animals. Having more money to spend, people ate more meat and better meat, and ate it oftener. What is true of meat is equally true of all other articles which enter into the cost of living.

Another and far more powerful influence was the increase in the circulating medium. It is not necessary to stop to discuss the quantitative theory of money, because, whether that theory be sound or not, there can be no question that if the circulating medium increases beyond the normal demands and the legitimate necessities of the community it is certain to advance prices. The advance may be made violently by huge issues of irredeemable paper, as happened in the French Revolution as well as in our own, and both in the South and North at the time of our Civil War, or it may come gradually by a disproportionate increase of the circulating medium through natural causes.

Let me briefly call attention to the increase in credits and in the circulating medium, for we are apt to forget it. In 1879 the circulation of the United States in all forms was \$16.92 per capita. January 1, 1918, it was \$48.76 as against \$43 in 1917, an advance of \$5.76 per capita in one year. These figures tell their own story. The world's annual gold production in 1896, just on the eve of the period of prosperity, was \$202,251,600. In 1915 the world's gold production on a yearly ascending scale was \$470,466,214, the largest ever known. It will be seen from these few figures that there has been an immense increase in the world supply of gold, to go no further, and as gold is the foundation of circulation and the standard of all civilized countries it brought with it an enormous expansion of credits and of currency based on gold. If the medium of exchange cheapens by becoming too plentiful, prices are certain to advance, just as they are certain to decline if the circulating medium is unduly contracted and becomes correspondingly dear.

Other causes may have been at work, but it is sufficient to mention these two, and neither of these was a cause which could be dealt with by the artifices of legislation or could be checked

more than temporarily by the fluctuations of business. To show what the advance in prices has been, I present the following table:

Percentages of decrease and increase in wholesale prices of farm and food products, 1900 to 1910, plane of 1900 prices.

DECREASE.		INCREASE.	
	Per cent.		Per cent.
Molasses	22.4	Potatoes	14.4
Raisins	19.5	Beans	14.4
Sugar	7.0	Prunes	19.7
		Codfish	21.4
		Onions	22.1
		Bread	25.0
		Sugar beets	26.8
		Fresh beef	27.7
		Rye flour	29.1
		Milk	34.3
		Cattle and sheep	34.4
		Evaporated apples	35.9
		Butter	36.7
		Cheese	39.4
		Wheat flour	43.0
		Herring	43.9
		Timothy hay	49.3
		Barley	49.5
		Salt beef	49.7
		Rye	50.2
		Mutton	51.9
		Corn meal	52.4
		Corn	52.5
		Wheat	55.9
		Cotton	57.3
		Hams	60.4
		Eggs	64.8
		Oats	69.8
		Hogs	76.0
		Bacon	77.1
		Lard	81.6
		Salt pork	89.8

It will be observed that in this long list, embracing almost every article of food, there were only three articles which decreased in price during that period, namely, molasses, which decreased 22.4 per cent; raisins, which decreased 19.5 per cent; and sugar, which decreased 7 per cent.

This table does not come down to date, but it shows the course of prices for the first decade of the century, and since that date there has been no change in the general price movement. Anyone who will take the trouble to look at the reports on wholesale and retail prices just published by the Bureau of Labor Statistics will find that the average retail prices for food, on the basis of 100 in 1916, rose from 82 in 1910 to 90 in 1914, and that in wholesale prices the movement of commodities from 1910 was upward, except in the year 1911, when there was a slight falling off.

Such, then, was the economic situation in regard to prices, which had existed for some fifteen years, when the war broke out in Europe. That war brought with it a necessary reduction of the purchasing power of the nations involved, but this effect, tending to lower prices, was gradual in its operation and, although it will undoubtedly be felt with intense severity after the close of the war, it has thus far in no degree offset the other effects which the war produced. Millions of men—it has been estimated as many as 40,000,000—were taken by the war in the course of three years from the class of producers and were converted into consumers. Other millions were taken from reproductive industries and forced into industries wholly nonproductive; that is, industries which were engaged in making shells and explosives, for example, which were immediately destroyed and which, of course, earned nothing. This absorption of millions of men in war and war industries produced inevitably a great shortage of labor in all the ordinary and reproductive occupations. There could be no more powerful cause than this for a violent advance in prices, and this movement was still further accelerated by the increase of the circulating medium in Europe through the issue of paper currency and the expansion of national credits, and in this country by the pouring in of enormous quantities of gold to pay for the purchases made here by the belligerent nations. The general upward movement of prices, therefore, which had been going on steadily before the war was greatly and abnormally quickened by the unnatural effects of war conditions.

This was the situation which confronted us when we entered the war last April, and when we undertook to check the operation of these great economic forces by the artificial and arbitrary methods of law and by executive action. It was proposed to reduce prices in spite of the overwhelming economic forces which were working always steadily and relentlessly toward their advance and at the same time to stimulate production. Nothing could be more desirable than both these purposes, but there was much doubt in the minds of those who reflected upon these subjects whether such an experiment as this could possibly succeed. The artificial regulation and fixing of prices have been tried over and over again in the past and history

shows only a record of failure in the attempts. In this war price fixing was tried both in France and Germany, and in both cases, if we may judge from the best authorities and from the admissions made, the attempt was a failure.

In this connection I am going to cite Gustave Le Bon, who is one of the great scientific men of France, a distinguished biologist and also a publicist. Some of his books on psychology are very well known—for instance, one which he wrote some years ago, which was translated into many languages, called "The Psychology of the Crowd." He wrote another book called "The Psychology of Education," and another "The Psychology of Politics," and still another "Of Socialism." He has made a very elaborate study of the mental operations of masses of men in contradistinction to the individual mind. He has published recently another book, "Les Premières Conséquences de la Guerre," in which he collects data on the psychological conditions of the nations engaged in war. Among the many things operating upon the public mind of which Mr. Le Bon treats is the price fixing which took place in France and in this country at the close of the eighteenth century. He lays great emphasis on the reversion to the old ideas of the French Revolution, and he points out in his citations of authorities the effects on the price of sugar, among other articles, both in France and in Germany. The authorities he cites all seem to show that price fixing was not successful and was in a large measure abandoned in both countries.

While Mr. Hoover was on the stand I had some discussion with him about price fixing in Europe, and he thought it had gone somewhat further and had rather more success than I had stated, but it appeared when we went into the details that there were very few articles, if any, where the Government had fixed the price without either taking possession of the product or sufficient control of it to regulate the price by their ownership; that is, by the familiar method of monopoly. This is a different situation from naked price fixing with the commodity left in the market to be dealt with in the usual way. I quote briefly from the testimony so that without going into it elaborately I may give the substance of the points which Mr. Hoover and I discussed:

Senator LODGE. In the hearing before the Agricultural Committee you say that a maximum price has proved a total failure in Europe in every case except where the Government owned enough of the commodity to control the market.

Mr. HOOVER. I believe that is the case, but price fixing is capable of a great deal of definition by way of nomenclature. Maximum prices, I do not think, have an effect—that is, the simple regulation that a price shall not exceed a certain amount. On the other hand, in the organized control of the distribution of a commodity it may be necessary to agree on a maximum-profit base in order to prevent profiteering, but it must be backed by some other engine than pure legal definition of price by regulation. (Hearings, p. 583.)

I must pause here a moment to make clear the distinction of which I have spoken between the regulation and establishment of prices by artificial means of general application to the trade and commerce of a country and such action as was taken by the British Government, for example, in regard to wheat. There, as I understand, the British Government bought up the wheat—certainly all the imported wheat—and then sold it to the people at a fixed price, below the market price, making up the advance from the treasury to the extent, as I am informed, of \$200,000,000. In that case the true price was the market price, but the Government became the largest if not the only purchaser and sold wheat to the people at a loss, the difference being made up, as I have said, out of the treasury—in other words, out of the money of the people taken from them by taxation instead of over the counter of the dealer. This may or may not have been beneficial and wise, but it did not involve an artificial fixing of prices in the operations of business. It only illustrated the truth of the fact that in this disagreeable world it is not possible, as a rule, to get something for nothing—a desire which is strong in the hearts of humanity, which people insist on believing to be possible, and which has led the race into more economic pitfalls than any of the many will-o'-the-wisps which mankind is delighted to follow in its childlike faith that it is possible to find gold pieces in the gutters and take money from the air. In the English case the money came out of the consumer, from whom it must always ultimately come, the only difference being that it was taken from him in the disguised form of taxation. The fixing of prices simultaneously with the stimulation of production, which was the enterprise we undertook in the United States, was of an entirely different nature. It proceeded on the pleasant theory that high and advancing prices were not due to deep and irresistible economic causes but were wholly owing to the fact that somebody was making undue profits. Undoubtedly there were people who were making exorbitant profits, but this was not the case with the great volume of business. Profits on an advancing market were good, but they were kept within bounds by corresponding advances in the wages

of labor and in all running expenses, as well as by the good sense and intelligence of the mass of those engaged in business. The theory which we as a Government seem to have adopted, that the advance in prices and the high cost of living were due to those persons who were making exorbitant profits, was fatally defective, as any theory must be which is based on exceptions and not on the general rule established by the vast majority of facts and cases. Assuming, for the sake of argument, that all persons who, either honestly or dishonestly, were making large or undue profits, were wholly vicious, and that we swept them out of existence, it would have had as little effect upon the general course of prices under existing conditions as the killing of a few ground sharks or dogfish would have upon the destruction of edible fishes, which is due to the reckless improvidence of civilized mankind. Killing the dogfish would be helpful, no doubt, but it would not avert the fatal reduction and eventual extinction of the food fishes, which is owing to larger and more powerful forces. The slaughter of all makers of undue profits would undoubtedly check speculation and tend to give stability to prices, but it would not stop their advance, which arises from fundamental and universal economic causes which can not be suppressed by laws or decrees or even by lungs and language. However, we entered upon the experiment of reducing prices and at the same time increasing production with general acclaim, except from skeptical persons, who doubted the power of man by statutes or executive orders to overthrow natural laws, and who for obvious reasons held their peace when the search for the new Eldorado began. Since then months have elapsed, and the time has come when we can profitably discuss the efforts which have been made to reduce prices and at the same time stimulate production by laws and decrees.

Briefly, then, I wish to consider the results of the experiment in the case of sugar and coal in the order in which I have named them.

In the general review which I have given of prices it will be noted that sugar was one of the three articles which had not risen in the first decade of the century, showing that the world's supply of sugar was in advance of the world's demand. This situation was, of course, completely revolutionized by the war. From the sugar market of the world the war took at once all the beet sugars of the central powers, confining their consumption to Germany and Austria. The Russian supply—and there was said to be a large surplus of sugar in Russia—was excluded from the market of the western nations by the practical cutting off of opportunities for transportation. The Belgian crop of beet sugar was also largely reduced, and so was the French crop. England, therefore, which depended entirely upon outside sources and which had taken large amounts of sugar from the Continent of Europe, was thrown back on the Western Hemisphere, which included her own West Indian Islands, and upon the product of the East Indies, which came chiefly from Java. At the very beginning of the war the English Government bought up large quantities of sugar both in Java and in the West Indies, but as the war went on transportation became more and more difficult as tonnage diminished and when we entered the war and began to deal with the sugar question it may be said broadly that the Java supply was inaccessible. During the past year there has been something like 900,000 tons of sugar in Java, but it has not been found possible to move it; and there is also some sugar in the Philippines and perhaps an inconsiderable amount in other quarters in the East Indies. These conditions forced England, France, and Italy into the American field, and the chief burden fell upon what may be called the field of the United States, which includes Cuba. The year 1917 opened with every promise of a very large crop in Cuba, and the price of sugar in the United States declined as the new crop began to flow in. In February there were strikes in some of the refineries, which caused a flurry in the sugar market, and prices advanced. At that period the American Sugar Refining Co. made a vigorous effort to assure their customers and the trade generally that there was no real shortage of sugar. Then came the troubles in Cuba, which led to another advance in price. Gomez, who was the leader of the revolution, surrendered on March 8 and the disturbances were practically over, but it was not known how much cane burning there had been and the experts reduced their estimates of the coming crop from 3,466,000 tons to 3,000,000 tons. On May 7 Mr. Hoover went before the Committee on Agriculture and predicted a scarcity of sugar, and this was the position which was held by the Food Administration. The result was that prices of sugar, speaking broadly, after some fluctuations stiffened, as prices always do when people begin to be afraid that there is going to be a scarcity in any article. The wholesale price of granulated rose in July to 7.50 in New York. Then it went to

7.65 on the 19th of July, on July 26 to 7.75, and then during the week from July 26 to August 2 it jumped to 8.15. Then it went as high as 8.40, and even touched 9.15. This means to the consumer, at 8.40, a price of from 9 to 9½ cents a pound, and at 9.15 from 10 to 10½ cents a pound. On the 16th of August Mr. Hoover closed the exchange and, of course, dealings in sugar came to a standstill. On the 27th of August an agreement was announced with the beet-sugar manufacturers fixing the price of beet sugar at 7.25 at seaboard points, such as New York, Philadelphia, New Orleans, Boston, and San Francisco, with a differential for freight to interior points.

On October 1 the sugar refiners agreed with the Food Administration that they would buy all their sugar through the International Sugar Committee, which consisted of two Englishmen and three Americans—Mr. Rolph, the manager of the California & Hawaiian Sugar Refining Co.; Mr. Babst, the president of the American Sugar Refining Co.; and Mr. Jamison, representing the Arbuckle Co. The refiners also agreed that they would sell all sugar refined by them at a price not more than 1.3 cents a pound advance over the price of Cuban sugar. At the same time the International Committee fixed the price for Cuban raws—and the price for Cuban raws establishes the price for Porto Rican and Hawaiian sugars—at 6.90, and under their agreement the refiners were not permitted to buy sugars at 6.90 or higher and closed down. Later they were permitted to buy at 6.90, but it was then too late to have much effect on the supply of granulated, because there had been a period of idleness in the refineries. On October 23 the Food Administration came to an agreement with representatives of the Louisiana planters for a basic price of 6.35 at New Orleans, which meant 6.70 at Boston, which made the price of refined sugar 8.15, so that the Cuban sugars and the Louisiana sugars were brought into practical harmony as to price. The International Committee, whose membership I have already given, was formed on September 21. On October 1 they made the agreement with the American refiners by which they fixed a price of 6.90 for Cuban raws in New York, duty paid. They then entered into negotiations with the Cuban Government to fix the price of raw sugar for the coming crop of 1917-18. On November 30, 1917, the International Committee and the representatives of Cuba agreed on a price for Cuban raws of 4.60 f. o. b. Cuba. Personally I think the committee made a very good arrangement in the interest of the consumers abroad and in the United States, but I should have been quite as well satisfied if they had given the Cubans 4.75 f. o. b. instead of 4.60, because it seems to me of the last importance to encourage the production of sugar in Cuba. Sixty per cent of the Cuban sugars are produced by the colonos, small planters making a living of a few hundred dollars a year from their crop. If they can not do well with sugar they can turn easily to other crops. It would be much better for the American consumer to pay one-fourth or even one-half cent a pound more for sugar than to have the Cuban crop fall off. Therefore, I should have been content to have seen 4.75 fixed on as the price instead of 4.60. I asked Mr. Hoover whether they had considered the colonos, and he said they had done so. They certainly did not consider the beet grower when they made the arrangement fixing the price of beet sugar. The price was determined after consultation with the manufacturers alone, and no steps were taken effectively to consider the claims of the beet growers until after the Senate committee began its investigation. Yet the production of sugar can not be increased unless the beet growers of the United States and the colonos of Cuba are encouraged and given good prices. The beet planting begins so early in the year that if the dissatisfaction of the beet growers is not allayed we shall be in danger of a serious reduction in the crop of beet sugar, which might easily absorb the estimated and greatly needed increase in the Cuban crop.

The fact is that this necessity of encouraging the growth of cane and of beets, which are the raw material of sugar, is only a part of a general policy where I venture to think a very mistaken course has been pursued. The objects of all the legislation and of the action in regard to food and fuel were to reduce the cost of living and stimulate production. The two purposes are stated in the wrong order. The first thing to do is to stimulate production. I think I shall show very conclusively before I finish that attempts to lower prices by executive decree or by law can not with the present economic forces at work possibly succeed. On the other hand a great deal can be done to stimulate production. If production is stimulated, then the natural laws, which are much more powerful than Congresses and Presidents, begin to work. A large production will certainly steady prices and prevent famines. If carried to the point of oversupply it will lower prices, and it is the only thing in the long run that will. Therefore we should have addressed our-

selves to the stimulation of production, and if anything could be done to lower prices it could be done in that way. Unfortunately the reduction of the cost of living has a most enticing sound. Success in such an undertaking is obviously popular, and popularity has meanings and results which I need not explain, certainly not to a body like the Senate. Therefore, in the search for popularity the difficult, if not the impossible, was undertaken, and the simple and direct method of aiding the war situation and of at least stabilizing prices was set aside or pushed into the background.

It will be seen from this outline that the Food Administration fixed the prices on practically all sugars in the market and showed an apparent reduction on the wholesale price of granulated from its highest point in August of about a cent, which may have meant a reduction to the consumer of a cent to a cent and a half. But after all these arrangements were made there ensued in the Eastern States a scarcity of sugar at times amounting to a famine. It is the belief of the Food Administration that by their action they prevented sugars going to very high prices, which, of course, would come out of the consumers of the United States. It is at this point that the doubt arises as to whether any advantage was gained by this price fixing. Speaking broadly the sugar market in normal times rises in the autumn to its highest point. The explanation of this is very simple. The rise represents the gap between the exhaustion of the old crop of cane sugars, which by the autumn has been practically consumed, and the new crop which begins to come in December and in large quantities after the opening of the new year, when, as a rule, the price of sugar declines. This gap between the old and new crops of cane sugar has been largely filled of late years—certainly prices have been much affected—by the coming on the market at that period of the beet sugar. In this past year most of the beet-sugar crops were late, and that extended the gap. Therefore it was certain that if there never had been any interference at all with the price of sugar there would none the less have been an advance in the price to the consumer in the autumn months of 1917, which would have been met and checked by the coming of the beet sugars and of the new cane crop. The position of the Food Administration is that there was a shortage of sugar, but these figures are disputed. Setting aside all the estimates and predictions which were made, and coming down to the actual facts, now that the year has closed, the crops of the United States field, with which alone we are dealing, were for the year 1916-17 as follows:

	Long tons.
Louisiana.....	271,339
Texas.....	6,250
Porto Rico.....	448,567
Hawaiian Islands.....	579,302
Virgin Islands.....	7,787
United States beet sugars.....	734,577
Cuba.....	3,023,720
Total.....	5,071,542

To this must be added the foreign imports of sugar, amounting to 204,665 tons, which came into the United States from countries other than Cuba and our outside possessions, and which are shown in the following table of the Bureau of Foreign and Domestic Commerce:

Country from which imported:	Long tons.
Central America.....	14,393
Mexico.....	8,602
British West Indies.....	2,883
Dominican Republic.....	41,098
Dutch West Indies.....	96
Haiti.....	1,715
Peru.....	23,431
Other South America.....	20,371
China.....	259
Hongkong.....	116
Japan.....	13,181
Philippine Islands.....	78,415
All other countries.....	105
Total.....	204,665

The annual normal consumption in the United States, according to Mr. Hoover's estimate, which I believe to be a fair one, for the figures differ and there is some confusion in the statistics, is 3,700,000 tons. Deducting this from the total supply, we have 1,576,207 tons of what may be called sugar for export.

The total exports from the United States to every country in the world was 451,221 long tons, as will be seen from the following table of the Department of Commerce:

Countries:	Pounds.
Belgium.....	8,452,880
Denmark.....	3,091,356
France.....	372,812,708
Greece.....	1,130,295
Iceland.....	5,723,233
Italy.....	28,075,412

Countries—Continued.	Pounds.
Malta, Gozo, etc.....	600,000
Gibraltar.....	560,000
Netherlands.....	19,506,219
Norway.....	76,408,182
Portugal.....	19,569
Russia in Europe.....	11,020,701
Spain.....	57,282,491
Sweden.....	21,485,566
Switzerland.....	21,503,960
England.....	118,993,257
Canada.....	708,253
Panama.....	4,431,199
Mexico.....	42,032,165
Newfoundland.....	7,037,575
West Indies.....	4,054,138
Argentina.....	143,628,561
Uruguay.....	46,711,472
Philippine Islands.....	254,939
British Africa.....	4,131,170
All other countries.....	11,080,400
Total.....	1,010,736,101

Or 451,221 long tons.

Deducting this amount and the 107,920 tons consumed in Cuba, as well as the 10,000 tons destroyed by fire, leaves 1,007,066 tons of free raw sugar for export. The exports of raws from Cuba to all countries other than the United States were 940,708 tons, thus leaving a surplus of 66,358 tons, if our consumption is normal. This, however, takes no account of the sugars on hand from previous years, what is known as the invisible supply, and it is only guesswork as to what that supply amounted to, but that there was a certain amount of sugar on hand is undoubted and that, of course, would increase the surplus. This, again, takes no account of the savings due to the work of Mr. Hoover's administration, which he was inclined to think about equaled the extra amount used in the canning recommended by the Food Administration. This computation, based not on estimates but upon actual facts of imports, production, and exports, certainly does not seem to justify the drastic measures which were taken in price fixing and which tended to cause a famine in certain parts of the country while there was an abundant amount of sugar in other portions of the United States, for it shows a surplus and not a shortage.

Mr. Hoover in making up his figures and in his testimony before the committee said that it was necessary for us to provide for the consumption of Canada 320,000 tons, which, of course, would show a shortage not only on his figures but on those which I have given and which I believe to be correct, as they are taken from the official statistics of the past year. If those figures are examined—and they show all our exports—it will be seen that we exported to Canada 708,253 pounds, or 316 tons of sugar.

Mr. THOMAS. The Senator means 316,000 tons, does he not?

Mr. LODGE. No; 316 tons of sugar. The figures from the Department of Commerce are 708,253 pounds, which I reduced to 316 long tons.

There was also exported to Canada 6,054 tons of sugar which had been imported to the United States and then exported to that country. Adding to this Canada's own production of 12,500 tons of beet sugar and the 3,515 tons of Cuban raws which she took in violation of the international committee price, makes a total of 22,385 tons which she actually received during the year 1917 from her own production and the United States field. It is obvious, therefore, that the balance of the 320,000 tons must have been procured by Canada from some other source, and the examination of the following table will at once disclose where she obtained it:

Production of sugar accessible to Canada during 1917 in the American hemisphere outside the field of the United States.	Tons.
Trinidad.....	70,000
Barbados.....	50,000
Jamaica.....	28,331
British West Indies.....	30,000
San Domingo.....	130,000
Demerara.....	101,650
Venezuela.....	15,000
Ecuador.....	8,000
Peru.....	250,000
Brazil.....	300,000
Total.....	982,981

Many of these figures that I have read are not the crop, but the actual export. We could not in some cases get the figures of the whole crop. This shows, of course, that Canada was not supplied from the United States last year. She got her sugar somewhere else, and she will get it somewhere else again. It is just as easy for the English ships and the Canadian ships to go to the West Indies and to South America as it is for our ships. As a matter of fact, Canada bought a large amount of sugar under contract from Peru.

Mr. BRANDEGEE. What was that amount?

Mr. LODGE. That she had available? Nine hundred and eighty-two thousand tons accessible, and she needed 300,000 tons, in round numbers. I have, of course, not been able to examine the export tables for those countries; but I merely show the field from which she got it, and she got it somewhere, because she did not get it from us.

Let us, in this connection, first consider the amount of sugar available and visible in the United States field in September, October, and November, apart from the small remaining remnant of the Cuban crop which amounted to about 50,000 tons and which ultimately came chiefly into the markets of the United States. That is the amount available in the autumn months, when the famine came. It appears from the testimony (page 402) that including what was on hand September 1 and what was subsequently received the Western Sugar Refining Co. of California had altogether 60,285 tons during that period and the California & Hawaiian Sugar Refining Co. had 67,498 tons. These were Hawaiian sugars and were all sold in the western country. During those three months the Louisiana crop of 271,339 tons came on the market, as is shown by the agreement made with the Louisiana planters as to prices on October 23. Within that same period the beet-sugar crop began to come on the market and the total of that crop, according to the official figures, was 734,577 long tons. In other words, in the United States alone there was available either in or coming into the market 1,139,699 tons of sugar. To this must be added the 50,000 tons still remaining in Cuba, at least 40,000 tons of which finally came on the market and some Peruvian sugars which the committee was told might have been obtained but were not. Taking the normal consumption of 310,000 tons a month in round numbers, based on Mr. Hoover's estimate of 3,700,000 tons for annual consumption, there would have been required about 930,000 tons, or 200,000 tons less than the total amount of sugar in the country, for those three months during which the scarcity was at its worst in the East, and I am unable to see any good reason on these figures for a scarcity of sugar at that time anywhere in the United States. What then was the cause of the scarcity east of the Alleghenies? In the first place the Hawaiian sugars of the two great California refineries were all sold in the West, chiefly west of the Missouri River. Of the Louisiana crop 26,000 tons were secured by the American Sugar Refining Co. for the eastern market and the rest of that crop was refined in Louisiana and in the form of plantation granulated or pure refined sugar went chiefly into the western country. Some went to the East, but it is impossible to say how much, and there was such difficulty in getting figures at all that it was obviously a comparatively small amount. The beet-sugar production was also held in the West, and this holding of sugar west of the Alleghenies was done deliberately. On October 20 it was announced from Chicago (hearings, page 1011) that the Food Administration sugar-distributing committee authorized a public announcement that the beet sugar would come to the rescue of New England and the North Atlantic States east of Buffalo and Pittsburgh and north of and including Baltimore during the existing exhaustion of cane supplies. It was further said that shipments would come immediately. This dispatch addressed to sugar dealers in the East was signed by the Meinrath Brokerage Co. On October 22 the same company announced to their eastern correspondents that there were no beet-sugar assignments obtainable for any territory, and on the 23d of October they telegraphed to representatives in central and eastern territories that they had been informed by the Food Administration sugar-distributing committee that "they would not allot for distribution any orders received by us on or after this date." On October 25 they telegraphed that orders already submitted were being held up by the Food Administration. This stopped the movement of beet sugars east and it was not until the 22d of November that the eastern trade were notified that the distribution of sugars would be entirely in the hands of the American refiners' committee in New York. These sugars which I have described were all held west of the Alleghenies, and although eastern dealers were told they would have relief they did not get it. Various excuses were given; that there was a delay in the beet-sugar crop coming forward, which was no doubt true owing to the lateness of the season, and that there was a shortage of cars. There was a shortage of cars undoubtedly, but cars could have been procured if the proper effort had been made, as was later abundantly demonstrated. On December 14 the price of beet sugar at Boston was advanced from 7.25 to 8.15, the price of cane sugar at the same point, and the beet sugars began to move. They ceased to lurk behind the Alleghenies and came out into the region of scarcity. In other words, beet sugars followed the natural law of supply and demand. When they got a sufficiently good price they

moved in that direction, as all commodities are certain to do when unhampered by artificial restrictions.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. REED. Perhaps the Senator intended to refer to it further on in his address, but he apparently is leaving the immediate topic. The Senator will recall that Mr. Hoover in his testimony finally admitted that it had been his express policy to keep the sugar west of the Alleghenies. The Senator has been proceeding along the line of deduction from the evidence, but the direct statement is in the evidence by Mr. Hoover himself.

Mr. LODGE. I am much obliged to the Senator for calling my attention to that. It ought to be stated here. I used the general phrase "deliberately done."

Another reason for the shortage was the arbitrary closing of the refineries and the refusal to permit them to buy any sugars they could pick up, like the Peruvian, even if they agreed not to advance the price of refined sugar to the consumer. In my opinion the shortage of sugar was artificial and caused by the attempt to establish artificial prices and by interfering to some extent with distribution. There is no sufficient evidence that there was not a sufficient supply of sugar to furnish our allies, as we did, with what they wanted, and at the same time to furnish ourselves with enough for normal consumption.

It ought, in justice to the Food Administration, to be said that they made strenuous efforts to get the 900,000 tons of Java sugar to this country, which would have completely removed any possible danger of a shortage. They tried first to have the German ships used which were lying at Manila and with which they could have brought the crop if they had been allowed to control them and a considerable portion of the crop if they had been permitted to make only one voyage. This was prevented by the action of the Shipping Board and here we cross the trail of the endless organizations which we have created to meet war emergencies. They felt it more important that the German ships should come here loaded with hemp. I am not questioning the wisdom of their action, for I do not know the facts. The Food Administration also made an effort to get permission for some Dutch ships to bring the Java sugar, and here international complications apparently stepped in and prevented relief from that quarter. It may be said in passing that the new crop which is now coming forward is not coming in proper amounts, unless there has been a very recent change, and this slowness of movement from Cuba and Porto Rico is due again to lack of tonnage. No one appreciates more than I do the need of tonnage for carrying men and supplies of all sorts across the Atlantic, but I think the necessity of supplying this country and also our allies with sugar refined here puts the movement of the cane crops of Cuba and Porto Rico on the same basis of importance as that which we must recognize on the Atlantic. I ought, in justice to Mr. Hoover, to say that I believe he made every effort to secure rail distribution in this country just as he endeavored to get tonnage for the Java sugars. How much he was thwarted by the railroad situation and the tangle of priority orders I do not know, but it is certain that if he had been efficiently aided instead of being crossed by the other commissions, there could have been no sugar famine in the Eastern States.

The fact remains, however, that on the face of the official figures we had enough sugar to go through the last three months of the year without a famine. Owing to the gap between the old crop of cane and the new crop of cane and to the delay in beet sugars, there is no doubt that prices would have reached a high point in the autumn and then would have declined, as they did decline when the new crop appeared in the market. We should have had high prices for sugar—there is no reason to suppose that they would have been unreasonably high if there had been a proper distribution of the available sugar in the United States—but admitting that there would have been high prices at the period I have described, there can be no doubt that with the higher prices there would have been sufficient sugar in all parts of the country for the normal consumption of the people of the United States. The promise is for a larger crop next year in the United States field than during the year which has just passed. If the indications in Cuba prove to be correct, it will be a much larger amount, and it may also be possible to secure the Java sugar. I am heartily in favor of husbanding the supply, however large, by the most thorough saving in the consumption of sugar which can be effected, and if that is done to anything like the extent quite reasonably set by the Food Administration we shall have a very large surplus of sugar with which to aid our allies. But if ship-

ping is withheld and price fixing is indulged in again and sugar is diverted or held in one part of the country, when it ought not to be held, owing to at empts of a commission in Chicago or Washington to change the channels of distribution, we shall have another scarcity when the scarcity period arrives next autumn probably of a worse character and wholly needless.

Thus we find the two central facts as a result of the policy adopted by the Food Administration in regard to sugar to have been a slight reduction in the price from the high point reached in August and a scarcity of sugar, amounting in some cases to a famine, in certain parts of the country, and especially those parts where the population is densest. It is quite true that the advocates of the policy insist that the action of the Food Administration saved the country from paying enormous prices for sugar. What those enormous prices were to be varied according to the taste and feeling of the prophet who set them forth, and are profoundly affected by his relations with the Food Administration. We were told that sugar might have been 15, 20, or 30 cents a pound had it not been for the Food Administration's beneficent interference. One eminent refiner pointed with admiration to the decline in sugar at the present time, stating that it had gone to 7.10. The searcher for truth can not resist suggesting to this eminent refiner that the price of sugar has almost invariably declined at the beginning of the new year, with the advent of the new crop of cane. It seems harsh to throw the slightest shadow on such disinterested judgment as that manifested by the witness to whom I refer, and yet it is impossible to escape the conclusion that the natural law which insures a decline of sugar prices on the coming of a new crop, even although the importations, despite a larger crop, have thus far been less this year than usual, brought about the result which is so loyally attributed to the Food Administration. Another enthusiastic refiner, with proper gratitude no doubt for the beneficial effects of the stabilization of prices, wrote me that sugar would have gone to 50 cents a pound if it had not been for the intervention of the Food Administration, which he seemed to regard as a *dens ex machina*. As I read this warm-hearted prediction I wondered at the writer's moderation. When you are depicting the horrors of a price which never existed, why not paint it in really strong colors? Why stop at 50 cents? Why not say it would have cost a dollar a pound, or even more, if it had not been for the fortunate intervention of authority in Washington? The fact is you can do anything with prices which never existed. That is their great advantage. You can put them up or put them down at pleasure, to suit your hopes, your argument, or your prejudices. But human nature is so weak that the vast majority of people who in a large section of the country were deprived of sugar said, in their unthinking way, that they would rather have paid a higher price and had some sugar. The gratitude which they ought to have felt for the low prices established by the Food Administration did not seem to comfort them when they sat at a table where sugar had become a memory, and where that agreeable condiment had ceased to have an actual existence. They did not enjoy as they ought to have enjoyed this Barmecide feast. On the contrary, their emotions seemed to have resembled those of Tantalus, to whom the knowledge that fruit and water were close at hand gave no satisfaction, because the fruit and the water fled at the approach of his lips. An American humorist many years ago said in one of his newspaper paragraphs that there was probably nothing more unsatisfying than an "unkissed kiss"; but in mere sterility of pleasure I think low prices for sugar and no sugar runs the joke of the humorist very hard.

Let us now consider briefly the short and simple but somewhat painful annals of the coal question. The country had been threatened with a scarcity of coal in the winter of 1916 and 1917, and when war came in the spring the coal market was in a disturbed condition, and this disturbance was increased by the coming of war and the uncertainty as to the future. The market became very nervous; prices of coal began to advance sharply, reaching extreme points, and conditions indicated a still further rise. The advisory committee on coal at that time was headed by Mr. F. S. Peabody, of Chicago, and this committee was made up as follows:

Mr. F. S. Peabody, chairman; Mr. E. J. Berwind, president of the Berwind White Coal Mining Co., of New York; Mr. W. W. Keefer, president of the Pittsburgh Terminal Railroad & Coal Co., Pittsburgh; Mr. Van H. Manning, Director of the United States Bureau of Mines; Mr. C. M. Moderwell, a coal operator of Illinois, president of the United Coal Mining Co., of Chicago; Mr. E. L. Pierce, vice president of the Semet Solvay Co., of Syracuse, large by-product and coke-product operators; Mr. Erskine Ramsey, vice president of the Pratt Consolidated Coal Co., Birmingham, Ala.; Mr. George Otis Smith, Director of the United States Geological Survey; Mr. James J. Storrow, of Leo

Higginson & Co., of Boston; Mr. H. N. Taylor, vice president of the Central Coal & Coke Co., of Kansas City, Mo.; Mr. S. D. Warriner, president of the Lehigh Valley Coal & Navigation Co., Philadelphia; Mr. J. F. Wellborn, president of the Colorado Fuel & Iron Co., of Denver; Mr. Daniel B. Wentz, president of the Stonega Coal & Coke Co., Philadelphia; Mr. George W. Elliott, who was the secretary and the representative of the gas and electric service corporations of the United States; Mr. John P. White, who was then president of the United Mine Workers of America; Mr. Frank Hayes, vice president of the United Mine Workers of America; Mr. William Green, secretary of the United Mine Workers of America; Mr. John L. Lewis, the statistician of the United Mine Workers of America; Mr. James Lord, who is with Mr. Samuel Gompers, and is president of the mining department of the American Federation of Labor; Mr. John Mitchell, who is an ex-labor leader; Mr. H. L. Kerwin, secretary to the Secretary of Labor, Mr. Wilson; Mr. Herbert Addison, vice president of the Big Horn Collieries, Wyoming; Mr. L. S. Storrs, president of the Connecticut Co., of New Haven, Conn.; Mr. George W. Reed is Mr. Peabody's secretary and vice president of his company.

I think anyone who has examined the subject with as much care as the subcommittee which held the hearing will agree that this was a very well chosen committee. It is the only one that I happen to know of where not only operators were represented but also the labor employed in the mines, and, which was most remarkable, the consumers. There were two gentlemen representing public utilities and one, Mr. Storrow, of Boston, who spoke for the consumers of New England, both domestic and industrial.

The prices proclaimed on August 23, 1917, for anthracite coal were practically those agreed to by the operators themselves in April of that year, and ranged on the white ash, red ash, and Lykens Valley grades from \$4.45 to \$5.30 per ton at the pit mouth. Pea coal, priced by error in the proclamation at \$4.30, was later reduced to \$3.40. With trifling exceptions all the anthracite comes from the Pennsylvania field, which is not of large extent, and Dr. Garfield testified that there was only one case of complaint of prices relating to anthracite. With prices established in this way by the voluntary agreement of operators anthracite was not affected by the Government price fixing, and in what I am about to say it will be understood that I am discussing bituminous coal alone.

Under the auspices of Mr. Peabody's committee, the coal operators controlling nearly all the bituminous coal production of the country—over 90 per cent—were invited to Washington in June. Some 350 to 400 were present. They were addressed by Secretary Lane, by Gov. Fort, of the Trade Commission, and Mr. Peabody. They were urged to come to an agreement as to a maximum price for run of mine bituminous coal. After a day or two of discussion they adopted a resolution prepared by Gov. Fort by which they agreed substantially that the price of run of mine coal should in no case exceed \$3 a ton in the East and \$2.75 in the West at the pit mouth. The arrangement was understood to be tentative, but it made a very large reduction, because bituminous coals were then selling as high as \$5.50, and even up to \$6 a ton. There was no attempt to fix a minimum price or an absolute price, and below \$3 or \$2.75 coal operators could make any price they pleased, which gave sufficient elasticity, as some of the mines could produce coal at a much lower rate than \$3 or \$2.75 and make a good return. This agreement was reached on the 28th of June. Two days later Secretary Baker, head of the Council of National Defense, made public announcement that this maximum price of \$3 was oppressive and extortionate, and the whole scheme which had been so carefully prepared, and which was a wise scheme, because it interfered as little as possible with the ordinary laws of trade and yet cut off undue profits, was practically disavowed. Some of those who had come into the agreement regarded the whole matter as at an end and charged such prices as they could get, but most of the operators who had agreed to it held to their agreement. The action of Mr. Secretary Baker of course had the effect of throwing the general market for free bituminous coal into complete confusion and of forcing a reduction in production. At the same time the promise was held out that the price of coal would be still further reduced and large numbers of people, domestic as well as industrial consumers, instead of laying in coal in the summer when the demand was at its lowest and the railroads could carry more easily than at any other season, refrained from filling their bins, with the inevitable result that they became buyers at a later time and were competing for the purchase of coal in the winter when the stress was most severe.

Dr. Garfield was appointed Fuel Administrator on the 23d of August and immediately issued a table of prices which had been approved by the President and compiled by the Trade Commis-

sion and which fixed the basic price of run of mine bituminous coal at \$2 a ton at the pit mouth. The great difficulty of the coal situation then as now was in the shortage of cars as well as the shortage of movement on the railroads. Strong and effective efforts, with large beneficial results, were being made by the war railroad committee to improve the traffic situation, but in addition to the other difficulties were the priority orders. If those orders had been left in the hands of the priority board and no one else had been permitted to issue them, the business could have been managed probably with advantage, certainly without any injury to the coal situation. But the right to issue priority orders, unfortunately, was not confined to the priority board. So far as your committee could learn, officers of the Army and Navy, Food and Fuel Administrations, directly or indirectly, and the Shipping Board had the right to issue priority orders and to put the "blue tag," as it was called, on the articles which they wished shipped. Some of these agents also gave these envelopes and tags to manufacturers engaged on Government work, who did not always confine their use to public business. The result of this delightful and intelligent scattering of great powers was that the railroads were blocked with priority shipments of all kinds, sometimes for articles of immediate necessity and also for many where the necessity was far from immediate. It was stated that over 80 per cent of the freights being carried by the railroads were on priority orders, and this complicated enormously the bad conditions of transportation and severely hampered the remarkable work of the railroad committee. Behind all this, and worst of all, was the fundamental trouble of the railroad situation, arising from the fact that when the war broke out they were at least ten years behind the requirements of normal and peaceful times. The railroads had been forced, as a rule, to reduce their rates to the lowest possible point, while at the same time the wages they paid and all their general expenses were increasing like all other prices and commodities. This produced great difficulty in getting new money, either by selling stocks or by borrowing, and the railroads, reduced practically to no resources except their surplus, which in some cases was very small, in all cases insufficient, had been wholly unable for some years past to make the necessary extensions which the business of the country required. The railroad situation was therefore very bad, owing to the manner in which freight rates had been dealt with over a considerable period of years; in addition, they were burdened with the sudden and greatly increased demands of the war, and were still further hopelessly embarrassed by the priority orders. The committee of railroad presidents, as I have said, were doing their best to relieve the situation and effected some extraordinary and very important but still inadequate improvements. Total relief was perhaps impossible, but a considerable, a much larger, measure of relief might have been obtained if the efforts of the Government had been addressed solely to the railroad problem; for, I repeat, the condition of the railroads, the shortage of cars and the shortage of movement were the fundamental and dominant difficulties affecting the coal supply. Upon this complicated and difficult situation the untried men known as the Fuel Administration were suddenly imposed. The Fuel Administration came in with no power whatever to deal with the railroad situation, which was the very center and heart of the problem. They could procure priority orders, divert coal shipments, and add to the tangle which those orders had created; and this they did, but they had no railroad control and could only make the movement of freight more labyrinthine than it already was. They had neither the authority nor the capacity even to loosen the knot, and thereupon into this situation, which might have had great relief by straight dealing with the railroad problem as a whole and by itself, the Fuel Administration entered and proceeded to fix a price which made it impossible to work many mines and which thereby frightened the producer and tended to reduce production when it was unprotected by contracts.

Not content with this, they also set to work to change the whole system of distribution. No more reckless experiment could have been attempted or one better calculated to make the railroad difficulties, so far as coal was concerned, insuperable. The distribution of coal from the mine to the consumer had been slowly built up by the experience of nearly seventy-five years into a great and intricate system, covering the whole country. The channels through which the coal flowed had been during this long time established. In a moment, by the action of the Fuel Administration, this vast network of distribution was suddenly thrown out of gear so that it either did not work at all or worked very badly and clumsily. At a single blow they crippled and partially paralyzed all the machinery of distribution and deprived themselves and the country of the great driving power of private interest never so valuable as in a period of disturbed

transportation. I am not blaming the Fuel Administration for their failure to substitute a new and better system of distribution for the one which they overthrew. To have done that successfully in a few weeks was beyond the power of man. No one lives, or ever lived, who could have done it. I blame them for attempting it. Only ignorance of simple economic laws could be offered as an excuse, and I think this is a case where the old maxim, "Ignorantia legis neminem excusat" properly applies. In any event the results were deplorable. The attempted substitution of artificial channels for those made smooth by long practice, the diversion of coal from one part of the country to the other, instead of relieving the difficulty created by the railroad situation enormously enhanced it. It was found that the basic price of \$2, even with variegated exemptions and exceptions, was too low, and the Fuel Administration itself was compelled in October to advance it to \$2.45 a ton. Within a few days they have issued another order raising the price at the mine to \$2.65, but cutting off, as I understand, the moderate 15 cents per ton commission of the wholesalers and jobbers. It would seem as if this would throw out of business thousands of honest, industrious men, great and small, who constitute the machinery of distribution. They will suffer loss and the country will suffer still more when the distribution machinery is thus wrecked and scattered.

Another thing which has led to a great interference with the coal distribution and the coal business in every direction are the orders which have been showered upon the country ever since the Fuel Administration came into existence. We have had contradictory orders, explanatory orders, new orders, and all supplemented by statements through the press. The whole producing force which furnishes coal to the country was kept in utter confusion, and there is nothing so numbing to business as suspense and uncertainty. The Fuel Administration has supplied uncertainty in unlimited quantities. I hold in my hand, as an example, Order No. 383, published on February 15. There have been several, I believe, since then. The number 383 means that orders in regard to coal have been falling upon the unhappy persons engaged in the work of producing and distributing coal and upon a guileless public at the rate of more than two a day. No. 383 fixes a new price for the Clearfield district of Pennsylvania of \$2.60 run-of-mine and 5 mills additional per ton for a fund for all operators. This is a belated attempt to recognize the difference between thin veins and thick veins. Let me give one or two more as illustrations of special arrangements and exemptions in which the coal business has been wandering for the last six months. No. 371 is the one which lifted the heatless Mondays from North Carolina, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, the warm part of the country, where coal was apparently but little needed for heating, and left it on densely populated parts of the country where they were very cold. The other two that I have are No. 366 and No. 367. One—No. 367—classifying bituminous coal mines in the upper Potomac, Cumberland, and the Piedmont fields, affecting all the coal in the State of Maryland and in the counties of Mineral, Grant, and Tucker, and the extreme eastern and southeastern portion of Preston County, W. Va., has made changes in the prices. No. 366 affected coal mines in Kenova and Thacker fields, the extreme southern part of Wayne County, the extreme northwestern part of McDowell County, W. Va., and the extreme northern part of Buchanan County, Va. This changed and rearranged prices of coal in those fields.

And now, by Order No. 383 of the 15th of February, in the Clearfield district of Pennsylvania, the price has been increased by 60 cents and it appears from publication "No. 4-B-5-1918" of the Fuel Administration that this price does not include the 45 cents per ton for wage increase allowed under the President's order of October 27, 1917. I understand that the words "does not include" mean that the 45 cents are not deducted; that the price fixed does not include the 45 cents which still remains on.

Mr. REED. Is that the 45 cents on account of the wage increase?

Mr. LODGE. Yes; and the price fixed did not include the 45 cents for increase of wages.

Mr. REED. That is perfectly clear. I have run that out pretty carefully. Forty-five cents on account of increase in wages applies to all bituminous mines in the United States. Correctly stated, there was an advance of 45 cents made on every ton of bituminous coal, the statement being made that it was made for and on account of an increase of wages.

Mr. LODGE. Precisely; that was in October.

Mr. REED. And that went on the price, and stayed on, and still applies.

Mr. LODGE. They have raised the price in the Clearfield district—I have a list of the mines here—to \$2.60, and, as I understand, that does not include the 45 cents they allowed for the wage increase.

Mr. REED. That is correct.

Mr. LODGE. There is no doubt about it. This then is the situation: On August 21 the price was fixed at \$2; on October 27, 45 cents per ton was added; on February 15, 60 cents more was added, making the present price \$3.05 per ton, 5 cents more than the price made by an agreement of operators under the leadership of Secretary Lane and Mr. Peabody, which Secretary Baker characterized as unjust, exorbitant, and oppressive. Is it any wonder in view of these orders which have been flying over the country like the migratory birds in spring and autumn—is it any wonder that the coal of the country has failed to reach the furnaces and the fireplaces of the consumers?

Mr. SMITH of Michigan. How much did the price the Senator just announced exceed the price fixed by Secretary Lane?

Mr. LODGE. It exceeded that price by 5 cents.

Let me pause here a moment to discuss briefly the attempt to fix prices for coal. A flat basic price is an impossibility. The great coal fields of the country differ widely in costs of production owing to natural causes. Mines in the same field differ. A price which would be ruinous to one mine would give an exorbitant profit to another. To fix the same price for the mines of Illinois, with their wide veins ranging from 8 to 20 feet, as for the mines of Pennsylvania, Maryland, and West Virginia, some of which have veins only 18 inches to 3 feet wide, is absurd on its face. And yet these thin veins in certain districts of West Virginia, Pennsylvania, and elsewhere in the East contain in many instances the very finest coal. The low volatile coals, which are used on battleships and give very little smoke, and the high volatile coals, with which the coking is done and from which we get many of our most important explosives, are found very largely in narrow veins. A price which would be very high for the broad veins of Illinois would be destructive to such veins as I have just described. Moreover, it was difficult to see that any proper distinctions had been made as to quality in the coals, and any plan of price fixing which is not based on quality and cost of production must be unsound and unjust.

There was another very bad result from this attempt to fix a low basic flat price without regard to or with a very insufficient allowance for differences in quality. As the producer could get in bituminous coal the same price substantially for low-grade as for high-grade coal, inferior coals filled with impurities or taken from culm banks and low in thermal units were sent out in large quantities, probably sufficient to account for the increase in the total production of bituminous coal. In this way cars and locomotives were wasted in carrying tons of slate, ash, and other impurities to the consumer, and thereby the shortage of cars was increased and the railroad movement still further diminished. The outcome of all this confusion was, of course, that some mines were making a great deal of money; that others were making none, but were just managing to live; while still others were only kept in business by their contracts made before the advent of the Fuel Administration. It became perfectly evident to the committee that it was necessary either to adopt the system employed by Mr. Hoover in regard to the beet-sugar factories and make a price which would allow the weakest and least profitable properties to live and produce, and which, of course, made the profits of the large factories and mines, and particularly of the factories and mines of the highest efficiency, enormous and disproportionate, or else to fix a price for each separate factory or mine—an undertaking which, as in the case of coal, where you are dealing with 20,000 mines, is of such extreme difficulty that it would cause delays wholly intolerable in time of war. The system adopted by Mr. Hoover had at least the merit of maintaining production. The system of making a different price for each mine based on its costs was impracticable. Hardly less impracticable would be the scheme of having the Government buy all the coal produced and sell it at an average price which would guard the Government against loss. This scheme, of course, would have involved an enormous expenditure of money in the first instance and would have caused great delays. The plan of having the Government, with its really notable business incompetence, work all the mines would simply have meant that hardly any coal would have been obtained. We therefore come back either to the scheme adopted by Mr. Hoover in regard to beet-sugar factories or to allowing the natural laws of supply and demand to work, so far as possible, without artificial interference. The latter solution undoubtedly might have led to higher prices than we have actually been obliged to pay for coal, although it seems improbable that this would have happened. But even if this had happened, it

would have brought coal; for a commodity, whatever it may be, which is of wide distribution will follow the direction to which it is invited by profitable prices as surely as water will flow down hill. The result of the Fuel Administration's policy was to add to the already enormous railroad difficulties by creating chaos in distribution and adding to all this, suspense, alarm, and uncertainty due to fixing an arbitrary price. Even if we admit that they kept prices down, which is purely guesswork, they brought a coal famine with this nominal fixed price.

The total production of bituminous coal for the year 1917 as given by the Geological Survey was nearly 41,000,000 tons more than for the previous year and of anthracite nearly 11,000,000 tons. Undoubtedly the consumption, owing to the abnormal activity of certain industries, was much increased in the country, and the additional 52,000,000 tons was probably not sufficient to meet the demands. If the increase in production was sufficient not only to meet the larger consumption but also to make up for the decrease in thermal units due to placing upon the market inferior grades of coal, then it would follow that the shortage of coal and the consequent loss and suffering were wholly due to the defective distribution caused by the Fuel Administration, for very little, if any, coal is ever stored at the mine. It is safer, however, to assume that the increase in production largely composed of inferior coals was wholly inadequate fully to meet the increased demands. But in either case, if the mines could have worked, not to their possible capacity, but to the full capacity of the labor they actually had, it is perfectly evident from the testimony before the committee that this increase in the production of 1917 could easily have been doubled in coals of high quality. The mines could not work to capacity—and I am speaking always of the capacity with the labor that they actually had—because they could not get cars. And so we come back again to the railroad difficulty, which certainly might have been greatly relieved if the Government had established no Fuel Administration but had simply devoted itself last summer to relaxing the railroad congestion and reducing priority orders to the lowest terms. The most important thing, of course, was to get coal to the ships. The Government had power to take coal; the Government had power under existing law to compel the railroads to carry any freight that was ordered. The amount of coal needed for the ships and for transport could be readily estimated, for the departments knew the possible tonnage and knew, of course, of the departure and arrival of vessels. And yet when we got into the dead of winter it was shown in the testimony before the committee that there were from 100 to 150 ships tied up in New York Harbor because the bunker coal could not be delivered. Then came the brilliant solution of shutting down factories in Maine and sawmills in Mississippi in order to relieve congestion at the port of New York. It may have been that nothing could have been done with the situation, that the railroad problem was beyond solution. Personally I do not believe that to have been the case. I think the railroad difficulties could have been much relieved, especially if the work of the war railroad board in the summer had not been hampered. But nothing can be more certain than that the policy of the Fuel Administration, its attempt to substitute a new scheme of distribution for the one which had been the slow creation of nearly seventy-five years, and its reckless price fixing brought on a coal famine in a country which has more coal than any other country in the world, and led to the "heatless-days" order, which in itself was a complete confession of impotence and failure. It may be said, "It is easy to criticize and find fault. What would you have substituted?" That question, in my opinion, can be as easily answered as asked. If instead of undertaking to fix an abnormally low price for coal in order to say to the country that by an order, by a ukase, we were going to reduce the cost of living, a vain and empty promise, we had addressed ourselves to the railroad problem, and nothing else, the coal shortage would have been very much reduced and the loss and suffering very much less. If in addition we had let alone the system of distribution, so long established, we should have been saved from the chaos and confusion into which we were thrown by the Fuel Administration. If, grasping the railroad situation in the summer, the Government had seen first that the supply of coal for shipping, which is useless without coal, had been secured, and then, instead of denouncing hoarding, as they call it, had advised everyone to buy and store coal in the summer months the stress and suffering and loss which have come upon us in a hard winter and which are still far from being relieved would have been in large measure avoided.

The lesson which all this teaches is that we should address ourselves to doing what is reasonably possible. It was reasonably possible to mitigate the railroad situation to a very considerable degree. It was not possible to force an artificial reduction of prices. You might declare a price, but if it was effective

tive you would pay for it in some other way. You can no more stop the advance of prices under war conditions, with many millions of men withdrawn from reproductive industry, to be made either consumers or the makers of unproductive commodities, than you can divert the course of Niagara by putting your finger in at the edge of the water. I do not blame men charged with responsibility for failing to accomplish the impossible. I do blame them for making promises which never could be fulfilled and in searching for something popular, to give to the people a nominally low price accompanied by a total inability to buy the commodity. In the weeks we have just been passing through the people of the United States would much rather have paid more for coal even than they did and have had the coal. They have paid high prices—the highest ever known—but have been unable to get coal. There is not much warmth in being told that a thoughtful Government has lowered the cost of coal when you have no coal to keep the fires burning.

Now, as an illustration of the practical effects of the reckless order closing down factories and industries of all sorts for five days I give two concrete examples of factories in my own State, both large, well-established, and well-run organizations. The first is as follows:

We believe that you may be interested in knowing the results of the order of the Fuel Administrator with reference to the consumption of coal at our plant during the period of shutdown. By way of comparison we state the amount of coal consumed by us during the same days in the week previous. The consumption was as follows:

	Pounds.
Friday, Jan. 11	102,310
Saturday, Jan. 12	73,500
Sunday, Jan. 13	71,230
Monday, Jan. 14	104,625
Tuesday, Jan. 15	105,600
	457,265
Friday, Jan. 18	73,335
Saturday, Jan. 19	45,035
Sunday, Jan. 20	55,735
Monday, Jan. 21	55,205
Tuesday, Jan. 22	70,140
	300,050
	157,215

This means that by maintaining our power plant merely for the purpose of keeping our pipes from freezing and for a very small amount of necessary power we were able to save about 15 tons a day. The loss in wages to our employees was about \$7,000 a day and our loss in production and profit was obviously considerably in excess. The situation in our case was undoubtedly the same as many other manufacturers. We have sufficient coal on hand to keep our employees busy and to give them full compensation for their services. An order by the Railroad Director withdrawing transportation facilities would have meant the operation of our plant without financial loss. A system could have been devised by which the material which had accumulated for transportation could have been gradually released.

The second relates to an industry which is largely engaged in Government work, and I think the following figures are worth consideration:

The loss of production for the four working days, January 18, 19, 21, and 22, was (net)	\$340,000
The loss of wages to our employees was	80,000
The loss to our stockholders by reason of overhead expenses was	50,000
Against which we made a saving of fuel of 146 tons, or practically	1,500

It would seem that the sacrifice was not commensurate with the saving obtained, and that the delay upon necessary and desired materials for war work will be seriously noticed in the immediate future.

These two examples represent thousands of other industries throughout the country and I introduce them to show what a loss and shock to our whole industrial fabric were caused by this ill-considered and violent action of the Fuel Administration.

In this connection I quote an editorial from the New York Times bearing on the results of this order.

The PRESIDENT pro tempore. Without objection, permission is granted.

The editorial referred to is as follows:

PROFIT AND LOSS OF COAL SAVING.

Figures compiled for the Director General of Railways indicate that the five-day coal saving campaign in New York City saved \$31,500,395 worth of coal, at the cost of \$357,498,000 in wages and over a billion loss of production. For 15 leading cities the economy of coal totaled \$137,000,000, and the loss of wages \$1,221,415,000. The manufacturers' loss exceeded three billions. Each dollar's worth of coal cost labor \$9 in wages and employers \$23 in production. There are no authoritative figures for the entire country, nor is the cost of coalless Mondays known with any precision.

Although the report is by an expert, it is not above criticism. Only in form is it a debit and credit statement, and there are omissions which lessen its worth. The 15 cities for which profit and loss are estimated are all eastern cities necessarily, for the suspension was in the East. The loss in the East had compensation in the West, both directly and indirectly, in the gain to the West of the betterment of transportation. The greatest and fatal omission is that of the worth of breaking the ocean blockade. What was it worth to get hundreds of cargoes of supplies across the seas? What was it worth to have the movement of coal made nearly normal? What was it worth to relieve the railroad con-

gestion, the real motive of the coal order? It is easy to say that the same benefits could have been had more cheaply, but that is discussion of something else than the profit or loss of this plan.

It is true that not even Germany resorted to general industrial arrest as a means of railway relief, but it is also true that no other country than ours undertook to serve the world or experienced such weather troubles. The defects of the Garfield plan are too plain to be denied, and the wisdom of the hindsight criticism is easy. But there was no suggestion of any alternative when it was adopted, and Canada adopted it after our own experience of its objectionable features. Now is the time for the critics of the Fuel Director's plans to say what they would do with the problem of the future.

There is no reason to suppose that the coal problem will end with winter unless spring should bring peace. The coal problem is with us for the war at least, and many think for long after. There is some danger that Mr. Garfield may embark upon an adventure of greater scope than the restriction plan, whatever its merits or demerits. The coal trade was against him originally; it came to his support after an explanation by him of his plans, and it turned against him when he thought it detected signs that he was committed to propaganda rather than to winning the war. Is the Fuel Director embarking upon plans for Government distribution of a necessary of life, thus supplanting the trade of coal production and distribution? The coal trade may be dodging before it is hit. And the profit-and-loss statement of such a plan may be as defective as the one which has suffered such criticism. But propaganda and winning the war ought to be compartmented, and their profits and losses separately considered.

Moreover, the real difficulty when this order was issued and which existed six months ago was with the railroads. Between last summer and the present moment a Director General with the largest powers has been appointed to take charge of the railroads of the country, and yet here is the condition on the 1st of this month, as stated on the 6th of February in Commerce and Finance, an important financial and industrial journal published in New York City:

Reports from 70 per cent of the bituminous mines show that in two days last week, Friday and Saturday, the car shortage caused a loss in production of more than 582,000 tons and that 42,546 miners were forced to be idle. With munition and industrial plants offering miners tempting wages and full time, the continuance of cold weather, the prospect that floods may cause further loss, the outlook is not cheerful.

On the other hand, reports from Washington are that the railroads made such progress in hauling coal on Sunday that Fuel Administration officials are encouraged to hope for the discontinuance of "heatless Mondays."

The condition of New England continues serious, but orders have been issued giving preference to shipments for that section from Newport News.

Gas companies have outdone themselves supplying heat as well as light during the cold snap. Eugene C. Miles, editor of the American Gas Engineering Journal, reads in this fact "the most striking and spectacular justification and indorsement of private ownership that has been revealed in many decades."

It will be observed in the first place that the difficulty is still with the railroads; that what we needed was not a shutting down of industries, with all the enormous losses and dislocations of business thereby entailed, but a freight embargo on the railroads. The country could have stood that and the industries could have borne it much better than the policy adopted. It is striking evidence of the mischief done by the interference of the Fuel Administration with difficulties which could only be solved through the railroads. It will also be noticed in this article the allusion to the gas companies and how extremely well they have done under these adverse conditions in supplying heat and light. This is attributed by the writer to the fact that in that case private interest was at work using all its energy to meet the complications of the time. It shows in a conspicuous manner how much harm has been done by paralyzing private interests and undertaking to solve the difficulties by one bureau largely composed of amateurs in the city of Washington instead of encouraging the spirit of self-reliance and independence, as well as the ardent energy which have made the material prosperity of the United States and which ought to be marshaled behind the Government as an assistant instead of being reduced to impotence by an all-powerful and uninformed Fuel Administration at Washington.

Let me summarize the general conclusions at which I have arrived in these brief reviews of the sugar and coal situations.

Mr. KNOX. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. Certainly.

Mr. KNOX. Before the Senator takes up another topic, I should like to inquire if there was any other reason assigned for increasing the price in the Clearfield district of Pennsylvania, except the thinness of the vein?

Mr. LODGE. Yes; it says here that the Fuel Administrator had announced a reclassification of certain coal-producing counties in the thin-vein district of Pennsylvania.

Mr. KNOX. Were not those veins just as thin when the price was originally fixed as when the 50 cents was added?

Mr. LODGE. They have not changed in width, to my knowledge, in that interval.

Mr. SUTHERLAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. Certainly.

Mr. SUTHERLAND. Does the Senator from Massachusetts know that they now propose to further affect the price of coal to consumers by abolishing all middlemen?

Mr. LODGE. I referred to that.

Mr. SUTHERLAND. The Senator discussed that?

Mr. LODGE. I have referred to that already—by abolishing the 15 cents commission to all middlemen.

Mr. SUTHERLAND. And they propose to make a further effort by creating a zone system, under which the producers of one region may not ship to the consumers in a certain other region, a great danger existing that if that is done they will prevent consumers in certain localities from getting the proper qualities of coal that their particular needs require.

Mr. LODGE. I have heard that a zone system was under consideration. I have had no opportunity fully to examine it; but from what I have had an opportunity to examine, I am satisfied that it will make the existing confusion worse confounded.

Mr. WADSWORTH. Mr. President, will the Senator state to the Senate if he knows what agency the Government hopes to establish as a substitute for the middleman?

Mr. LODGE. I do not know. As I understand, they expect the middlemen to get their commission, whatever it may be, from the mine owner.

Mr. WADSWORTH. My information is that the jobbers, as we say, the wholesale dealers in coal, are to be eliminated entirely.

Mr. LODGE. Yes; I understand that they are to be eliminated entirely; but I say all these things with caution, because I am never quite sure what they do mean.

Mr. WADSWORTH. I can well understand the caution of the Senator.

Mr. LODGE. I do not want to commit myself to any decision on the meaning of any coal order.

Mr. WADSWORTH. Then, Mr. President, I certainly will not press this question upon the Senator or upon anyone else.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. REED. I think I can answer the question of the Senator from New York by reading a paragraph from a paper which I have here. The Senator asked what it was proposed to substitute for the ordinary machinery of distribution. Perhaps the answer can be found in this:

The multiplication of bureaus and commissions is becoming perplexing and distressing. We shall soon require a bureau to explain bureaus, a commission to elucidate commissions. When a bureau once gets started it throws off sub-bureaus with a rapidity and process akin to the lower biological order in which a cell simply throws off a section of itself, which immediately becomes a new cell, and repeats the operation. Much of this organized activity is moving against the real needs of the Nation. We require concentration, not distribution, of intelligence; centralized, not diffused, authority; a national brain, not imperfectly related masses of nervous ganglia. But the biological process is apparently dominant in Washington to-day. Hordes of sub-bureaus may be expected to appear at any time.

I think perhaps the biological process is the best term to answer the Senator's question.

Mr. LODGE. Mr. President, let me summarize the general conclusions at which I have arrived in these brief reviews of the sugar and coal situations:

Let the idea of price fixing by law or edict for domestic consumption be so far as possible abandoned.

Interfere as little as possible with the natural laws of supply and demand.

Let the international arrangement with Cuba for sugar be maintained and ships be furnished at once to bring the Cuban and Porto Rican crops to this country.

Leave the domestic and Hawaiian crops and, above all, their distribution alone. Unless all signs fail there will be ample sugar for us and for our allies and a large surplus if the Food Administration's restriction on sugar consumption is carried out as it ought to be.

Abolish the Fuel Administration and leave the management of the coal situation to the Secretary of the Interior and Mr. Peabody.

Encourage the purchase and storing of coal for both domestic and industrial use during the summer when the demand is lowest and transportation easiest. I saw that the head of the Fuel Administration had come out in favor of our buying coal yesterday. The day before it was stated that we were to have it rationed.

Above all, direct every effort to supplying rail-and-water transportation for coal during the summer and at all times.

Do not interfere with established methods of distribution and do not make the fatal mistake of destroying distribution machinery.

Enforce thoroughly the laws against profiteering, but in seeking to prevent undue profits do not permit the destruction of reasonable profits.

Stimulate production. This can best be achieved by allowing reasonable profits.

No more valuable work has been done for ourselves and for our allies than the prevention of waste and the large savings in foodstuffs through the exertions of the Food Administration. But it is well to remember that if through price fixing and interference with the regular methods of distribution, as in the case of coal, a scarcity or a famine arrives saving becomes impossible. You are forced to go without coal, but you can not save coal or sugar or money unless you have some of those things to save. I mean, of course, real savings. Imaginary savings are as easily created as imaginary prices and are of as little worth.

Do not indulge in useless meddling with domestic life and do not harass needlessly the domestic consumer of coal. This arouses anger and discontent, both dangerous to the maintenance of a public opinion thoroughly in favor of the war and is perilous to war measures. Ominous signs are not lacking of organized efforts to cripple war measures and to bring about peace at any price. Do not give these efforts aid by causing discontent among patriotic and loyal people through wholly needless and useless interference and by rapidly shifting orders which bring uncalled-for suffering and anxiety, as has been done in the case of coal.

Having thus reviewed in general terms the policies of the Food Administration in regard to sugar and of the Fuel Administration in regard to coal, I desire to make some suggestions or criticisms, if the word is preferred, upon the subject of the grant and the exercise of great and abnormal powers necessary, or demanded as necessary, for the purpose of carrying on the war. That it was immediately necessary to deal by unusual methods with the vital questions of the production and supply of food will not, I think, be questioned by anyone. Whatever the defects or the merits of the legislation passed by Congress in regard to food I think there can be no doubt that such legislation required imperatively to be passed. The successful operation of the law depended, of course, almost altogether on the selection of the Food Administrator, and for that most important place Mr. Hoover was the person naturally indicated. He had had a very severe and extensive experience in the distribution of relief in Belgium, and his work there had met with high and deserved commendation both at home and abroad. In this way he became very familiar with the needs of the allies, and one of the first duties of the Food Administrator was so to husband and distribute the food supply of the United States as to make it possible to feed the allies on the western front—that is, England, France, and Italy—whose fleets and armies were fighting the battle of civilization, were fighting our battle, and had been protecting us as well as themselves for nearly three years from the German onslaught. Although Mr. Hoover disclaimed on the witness stand the title of economist, he showed by his testimony that he was familiar with economic laws and had given them much thought. From the time he came to Washington, before he was formally appointed to his present position as well as afterwards, he addressed himself to the two great questions of feeding the allies and at the same time effecting such savings in our own consumption as to prevent the infliction of any serious hardship in the way of food upon the American people. Speaking for myself, I think that Mr. Hoover has done a very great work in the direction of the conservation and distribution of food by his arguments and appeals widely addressed to the good sense and patriotism of the American people. Feeling very naturally keen indignation at the small minority of people who were deaf to his arguments and his appeals, he was inclined, I think, to base his theory and practice in action too much upon the small dissentient minority instead of upon the large patriotic majority of the people who were only eager to help when the way was once marked out before them. Mr. Hoover's general administration in the great field of conservation was not, however, within the jurisdiction of the committee nor was it within the province of the committee to inquire into the way in which the special problem of wheat had been dealt with. We were confined by the terms of the resolution to the subject of the shortage of sugar, and there, for the reasons which I have already given, I found myself compelled to the conclusion that the policy adopted in regard to sugar was a mistake. But in differing with Mr. Hoover as to the policy of abandoning the natural laws of supply and demand, instead of trusting to the penal statutes to break up those who were seeking to make

illicit and extortionate profits, I differ only as to economic policy.

In the case of the Food Administration, therefore, we have an example of abnormal powers which it was absolutely necessary to confer, and which have not only been exercised patriotically and with the best intentions but, barring the sugar question, have been exercised wisely and well and, no doubt, with great benefit both to the American people and their allies. The case of the Fuel Administration furnishes an example of large and abnormal powers which is equally instructive, but in a diametrically opposite way. The grant of far-reaching and unusual powers to the executive department of the Government can only be excused or sustained by the imperative requirements of a great war. In peace they would be intolerable and would quickly make an end of free and ordered government as we understand it. But these powers, which may be very beneficial in forwarding the cause we all have most deeply at heart, are dangerous in themselves. They should never be granted or used unless they are absolutely necessary and unless it can be shown that the prosecution of the war would break down if they were not employed. The body which grants such powers should grant them only after thorough examination and hedged in with every proper precaution and reasonable limitation. The department which exercises them should be very slow to use them and in the highest degree careful in their exercise. The mere grant and possession of great and unheard of powers to one branch of a constitutional government will not advance the war one step toward victory unless the exercise of those powers is in the largest degree able and efficient, and should never be entered upon unless the absolute necessity of the employment of such powers is demonstrated.

Epictetus said that "great power is always dangerous to a beginner," and human nature is so unchanging that what the famous stoic philosopher said eighteen hundred years ago is as true to-day as it was then. The fact that the man intrusted with extraordinary powers is a beginner implies inevitably that he is abundantly ignorant of the subject with which he has to deal. There is no doubt of the truth of Gray's familiar line that "where ignorance is bliss 'tis folly to be wise," but when ignorance is associated with great political and administrative powers it means anything but bliss for those who are subjected to the vagaries of large powers wielded by untrained hands. It has been suggested that ignorance of a difficult subject intrusted to a government officer was desirable in order to secure impartiality. It is no doubt true that the scales of the mind will hang even when there is nothing in them. And yet it seems as if it were better to have as a judge one who knows the law than a layman, and this appears to be a sound general principle in the selection of any man for the performance of duties which affect the welfare of millions of people. The instinct of the untrained and ignorant beginner is not only to use but to use in an extreme manner the immense authority and power which have drifted into his possession. He is like a child with a mechanical toy. He wants to see the wheels go around. However honest his intentions may be, however patriotic his purposes, the results of the wild efforts of a beginner intrusted with enormous powers are almost certain to be prejudicial to the community at large.

As I have already tried to show, there was no need of the Fuel Administration, no reason why it should exist at all, and the powers, however amiable the purposes of their possessor might be, have been employed in such a way as to make a bad situation worse and do nothing but harm. I know that in what I have just said I am open to the suggestion that my criticism is purely destructive. So it is, but it is the destruction which is intended to precede construction.

I think I have shown that the vital point in the whole coal problem was the railroad situation. Instead of waiting until midwinter to get rid of the chaos of the priority orders and giving a free hand to the Railroad War Board or to a director to deal with the railroad situation, we were saddled with the Fuel Administration, which could do nothing whatever about the railroad situation upon which all the difficulties practically hinged. So far as the coal situation was concerned, it ought to have been turned over to the Secretary of the Interior, within whose department it naturally came. Mr. Lane is a skilled administrator at the head of a trained organization requiring only the extension needful to deal with the new work. With the Secretary of the Interior as an expert adviser should have been placed Mr. Peabody, who was the head of the advisory committee. Mr. Peabody had been dealing with the question. He had made up, as I have pointed out, the best and fairest committee of advisers that I have heard of in my investigation, a committee upon which he had representatives of the miner, of the operator, and of the consumer. He showed on the stand, in my opinion,

a wider knowledge and a more thorough grasp of the great and difficult problem involved in the coal supply than anyone who appeared before us. Secretary Lane and Mr. Peabody, through machinery which they had set in motion, had already made an arrangement tentatively which lowered the prices of bituminous coal nearly 100 per cent and yet established only a maximum price sufficiently high to permit flexibility of prices beneath. In other words, they had interfered with the natural laws as little as possible. They are both eminently competent men. Why they were set aside I do not know. They are both undoubted Democrats.

Mr. THOMAS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. THOMAS. If I am correctly informed—and I think I am—a very large proportion of the prerogatives of the Secretary of the Interior has been transferred to other departments in practice.

Mr. LODGE. That may be the case.

It is true that Mr. Peabody by character, ability, foresight, and intelligence has been honestly and largely successful in business. I am aware that such a record is thought objectionable by some persons, but it seems hardly a sufficient reason for his displacement from a position for which he was so peculiarly fitted. I can not say why the coal problem was taken from him and the Secretary of the Interior and consigned to Dr. Garfield. It is not for me to try to scale Olympus and seek to penetrate its mysteries. It is enough to record the fact that the change was made. In my opinion, if the coal situation had been left in that way in the hands of Secretary Lane and Mr. Peabody, without building up a new fabric of clerks and deputies, a very large proportion of all the troubles we have had and of the suffering and loss which have been inflicted upon the American people during this winter would have been avoided. If that change were made now, if we were to return to Mr. Lane and Mr. Peabody, despite all the complications which have been created by the Fuel Administration, I believe the situation would improve, and that by next winter with the aid of the work done on the railroads we should be practically without anxiety as to the production and distribution of coal.

In the discussions which have been heard in Congress as to the grant of powers the argument is always advanced in the form of a question, "Can you not trust the President?" Certainly the President is to be trusted; that goes without saying. But the fact is that the President, except on the most important questions, does not and can not exercise the powers granted. They are exercised by persons to whom he delegates them in ninety-nine cases out of a hundred. In the case of coal, for example, the powers granted in the act are delegated by the President to the Fuel Administrator. Then the Fuel Administrator delegates powers to the heads of his various bureaus and departments. Then he further delegates powers to the State fuel administrators. So far as I could learn, the only absolute qualification required of these last gentlemen is that they should be Democrats, and with that qualification, so important as a guide to the management of the coal industry, fulfilled, there appears to be no other insisted upon. I have no doubt that the State administrators are very excellent men, but they are clothed with great powers. These powers they in turn delegate to a fuel administrator in each county, and I think, roughly speaking, there are some 3,000 counties in the United States and to a city administrator in the larger cities. Then the county administrator selects a committee, and large powers therefore pass in this way into the hands of county committees, and they exercise them. To suppose that all these men, scattered over the face of the country, who have never, as a rule, had any experience in public administration or in the exercise of great governmental powers, should use them wisely and not ignorantly, and use them without local or personal prejudices, is to imagine an impossibility. The city administrator also has his committee or corps of assistants. Let me take one simple example from the testimony as to the result of this infinite subdivision in the delegation of powers. On page 297, in the portion of the hearings relating to coal, we find the following statement by Mr. Thorne, a very able man, probably well known to many Senators, and this is what he said:

Mr. THORNE. Yes. I want to say here that shortly after the statement to which I have referred was filed with Mr. Nims the Federal Trade Commission wired the postmaster at Des Moines, Iowa, to report immediately what the prices on coal were August 1 in that territory. That telegram was sent, I believe, September 12. All of this is a part of the record in the Iowa hearings. We produced the clerk in the Post Office Department that gathered the data, a man with absolutely no experience along this line of work, especially on the subject of cost accounting, or analyzing evidence produced by people when they are trying to put over a proposition.

Senator KENYON. Where did he get his facts?

Mr. THORNE. He went around and asked a number of people he thought would know, and then he sent a telegram to the Federal Trade Commission. We made him produce the substance of that telegram and state the prices he wired. We then produced signed letters from all of the coal operators in the State who had written to the governor before the schedule of August 21 was established, and these signed letters showed that in not one instance was the average price at which they were selling coal as high as the lowest price this man telegraphed the Federal Trade Commission.

The CHAIRMAN. Don't you think that a post-office clerk, particularly if he is under the civil service, is duly qualified to ascertain any matter that concerns humanity?

Mr. THORNE. That will be conceded without argument.

I quote this one example to show how these vast powers are administered in practice and the danger of rashly conferring them. This is particularly true of the powers to fix prices, an attempt to set aside economic laws which has always been attended throughout history with injury, with perils of every kind, and generally with complete failure.

The danger of the delegation of powers to which I have been referring is shown in the fact that to local administrators was left absolute power to fix prices for what are known as wagon mines or "country banks," which are classified by the Geological Survey under the heading of "local" and "semicommercial." The semicommercial mine produces from 500 to 3,000 tons and probably ships a small amount of coal by rail. The wagon mine, or local mine, produces less than 500 tons, but these mines are of immense importance, out of all proportion to their output, to the comfort and well being of the neighborhood they serve. It costs much more to operate these wagon mines than it does to operate with the best machinery one of the mines of high efficiency, but by not paying any freight and through distributing by wagon or, in the case of the semicommercial mine, perhaps by a short haul on the railroads, the coal reaches the consumer at a much lower price than if he bought through the regular channels coal which was produced by a high-efficiency mine but which paid heavy freights. According to the Geological Survey there are 511 semicommercial mines in the country and 14,834 wagon mines. To leave all these small mines, which serve such a useful purpose in the economy of the country, at the mercy of local administrators, many of whom have had no experience in the operation of mines or in the coal business, appears to me to be in the highest degree perilous.

Let me now, in conclusion, speak of three matters which have come out in this investigation and which seem to me to have had a very injurious effect upon all operations of the Government. One is the danger of acting upon theories based upon exceptional cases and not upon general conditions. The principal excuse for departing from dependence upon voluntary action in response to appeals from the Government is that there is a small minority of people who are not patriotic and who do not respond to the appeal. It is common to sum up these people as "profiteers." Let me pause just a moment over the word. It was born in England and has followed the English language round the globe. Whatever may be its linguistic or etymological defects, it seems to have filled a gap. The misconduct or crime, if you choose to use the harsher word, is an old one, but the terms of former days, such as "regraters" and "forestallers," have become antiquated and out of fashion, while "speculator" has seemed not only inexact but insufficient. "Hoarder" is another well-known word employed in the same connection, but it has become difficult of use in this country, because by statute the farmer is permitted to hoard, and hoarding is denounced only when it is indulged in by some one not a farmer. There is an obvious awkwardness in using a word which is virtuous by statute and vicious in all other connections. Hence, I think we may say that "profiteer" as defining those persons who make inordinate profits by taking undue advantage of war conditions has its value and it also has the merit at this moment of being well understood. My own belief is that profiteering on a large scale by business men has practically ceased, because when practiced by great firms or still greater corporations it is necessarily very public and very flagrant, is not tolerated by public opinion, and is easily reached by law. The President has recently used the word in connection with some of the demands of organized labor, but most of the profiteering in food and fuel, so far as I can learn from the testimony, was found among retailers, and was practiced by only a small minority of that class. To base action upon it would be to base action upon a small minority, whereas action should always rest upon the practices of the great majority. Moreover, profiteering can be dealt with in another way. We have abundant power in law to punish those who take advantage of the situation to charge undue or extortionate prices and to make money out of the distresses caused by the war, an almost unpardonable offense. Let them be punished under the law. A few severe and well merited sentences of the court would bring

it to an end, and we should then be spared the dangers of altering an entire system of distribution and disturbing the natural economic laws because a comparatively small number of persons decline to support voluntarily the necessary policies of war times. To alter a whole system, throw great trades and occupations into disorder and change the well-established channels of distribution because a small percentage of the population are not as patriotic as they ought to be is like using a trip hammer to kill flies. The resulting damage from this method is wholly out of proportion to the result obtained. This course should be avoided and especially when the same end can be reached by other methods.

Another catch word which has been creeping in and which seems to me full of danger, as shown in the performances of the Fuel Administration, is this talk about "essential" industries. The industries directly concerned in supplying munitions, in producing ships, in feeding and clothing our soldiers, and in aiding our allies with supplies must have not only preference but also the right of way; but where is the line to be drawn if you are going to enter upon a harsh and destructive treatment of many industries because some person in Washington dressed in a little brief authority chooses to define them as "nonessential"? There should be preference among the industries, but none should be destroyed or gravely injured if it can possibly be avoided, because the industries which clothe and house the people are necessary to the well-being of the people, and the well-being of the people is the support of the Army and Navy. Vast as is the demand for labor in munition factories and shipyards and huge as are the sums expended by the Government, they can not begin to take care of all the labor in the country or pay all the wages. That the people should be as well employed as possible and therefore as contented as possible we all must admit to be vitally important, and what they are called upon to suffer by the death of those whom they love in the service of the United States and by the discomforts they are themselves compelled to endure, by the economies they are forced to practice and from which they can not escape, are a sufficiently grievous burden, without needlessly imposing upon them the additional deprivations and suffering which would follow from the destruction of the normal industries of the country. It is entirely wrong to talk about "business as usual," but it is equally wrong to force people to needless deprivations, discomforts, and even to suffering, on the general proposition of economy in expenditures and the necessity of sacrifice being good for the soul. All the necessary sacrifices will be made courageously and cheerfully by the American people, but needless, useless sacrifices forced upon them by blunders of administration will impair unanimity of feeling, lower enthusiasm, and tend to diminish the grim determination which is imperative if we are to win this war, as I believe we shall win it. That was the most vicious feature of the fuel order establishing the heatless days, because, not content with trying to bring about a saving of coal, the Fuel Administration undertook, as appears by Dr. Garfield's testimony, to produce what they called equality, and because somebody else had no water power and no coal, to shut down mills which were run by water power, applied directly or indirectly, and factories which had abundant coal, which they were not summoned to distribute. All were involved in one common injury inflicted by their own Government; and then came a series of exemptions, published at large in the Official Government Bulletin, so as to make clear to our enemies, among other things, just what our munition plants were, and which simply enhanced the inequalities already produced by the order of the Fuel Administration.

Thus the question recurs as to this arbitrary power to say what industries are essential and what "nonessential." Amusements, for example, are not a war industry—the time may come when they must be closed—but there is something to be considered now besides the mere fact that they do not turn out munitions of war, and that is the moral effect upon the temper of the people of suddenly depriving them of all innocent and legitimate amusements. England and France and every nation engaged in the war recognize the fact that it is not well to depress the spirit of the people needlessly. The making of children's toys again is what our officeholders in Washington would call nonessential. Is it well to darken the life of children by depriving them of harmless toys and games before it becomes absolutely necessary? Would it not be better for the spirit and temper of the people to keep the children happy as well as healthy just as long as we can and to keep the people who furnish amusements and the men and women who make toys employed as long as it is reasonably and properly possible? I have taken extreme cases in order to show that this loose talk about essential and nonessential industries can not be trusted and carries with it great perils if blindly acted upon.

But there is one other much more serious objection to the legislation and the administrative action which is deduced from talk about profiteering and nonessential industries, and that is that if you lower any more than is absolutely necessary the normal business activity of the country you are at the same time lowering the earning capacity of the country, you are lowering the saving capacity, you are drying up the sources from which your revenue by taxation must come, and to which you must look for your loans. This seems to be something which is wholly overlooked. The fear, which was acute in certain quarters that somebody might make money, if carried into irrational action dictated by prejudice and passion is entirely incompatible with raising the money, without which the war can not go on at all. It is much better to allow people to make profits, even if in some cases there are unreasonable profits, which can all be taken by taxation, than to deprive them of both profits and employment and bring business to stagnation and despair. The fact is that there is a fundamental error in many of these policies which have been put forth by these commissions and by the heads of departments. The one duty of any man, high or low, charged with the conduct of this war or any portion of it, no matter how slight, is to win the war and not to promote other measures, whether good or bad, which are purely social or political. That is the error which has been made both in the Fuel and Food Administrations. They started out with a proposition that they were going to lower prices and at the same time stimulate production. They were going to lower prices, not merely prices to the Government, but prices generally, whether for export or for domestic consumption, and at the same time they were going to stimulate production. There is only one thing, as human nature is now constituted, which will really and surely stimulate production, and that is the hope of making, first, a living, and, second, a profit. The experiment was an interesting one. Prices were reduced with a blare of trumpets in the newspapers; but, with a reduction of prices, we have had a famine in sugar and in coal. We have had no reduction of coal prices, because, whatever the figure fixed arbitrarily at the mines, by the time the coal reached the consumer he paid more than he had ever paid before. In the case of sugar there was a slight reduction of a cent to a cent and a half a pound from the top price reached in August, 1917. But in certain parts of the country there was no sugar. I am not speaking of what prices might have been. It is the easiest thing in the world to raise or reduce an imaginary price. It reminds me of what Mr. Reed said once about the tariff, that "the best tariff politically was the unmade tariff, for that suited every district." The same is true of prices. It is the easiest thing in the world to reduce a price which has never existed as a matter of fact, and with these newspaper reductions of prices, this lowering the cost of living, which, with the great fundamental causes at work for an advance, was about as possible as stopping the ocean's rising tide with a mop, came scarcities and even famines, and the scarcity and the famines were facts—they, at least, were not imaginary. To have low prices announced for sugar and for coal and then produce in return a scarcity and a shortage of both is a very barren pleasure to the consumer. The average man would rather pay a little more for his sugar and have it and a little more for his coal and be warm than to see a delightfully low price announced in the newspapers and be very short of both coal and sugar.

These two articles of universal consumption are merely examples. The mistake in policy goes much deeper than that, because, as I have already pointed out, it is striking at the savings and the earnings of the country, and if you can not keep business productive and earnings ample you will raise no loans and your revenue will rapidly decline. It all comes from undertaking to do two things at once. It is not the duty of an administrative officer to promote political fortunes or political principles or socialistic doctrines. His one duty is so to conduct his department or his bureau that he will help the war in the most effective way.

But there is one other cry which has been raised, which I am sorry to say has even been heard on the floor of the Senate, that any man, be he Democrat or Republican, who ventures to criticize what he believes to be shortcomings, and who in his desire to quicken our preparations and to strengthen us in the field advises a change in organization or in policy is a friend of Germany. Mr. President, I think it will be wise to omit attacks upon the patriotism of other men merely because we differ from them as to the manner in which the war is being conducted. I think we are safest in assuming that the American people and their representatives are patriotic. Patriotism is not confined to those who have recently had the good fortune to be appointed to more or less important offices here in Wash-

ington. It is perhaps to be expected that they should be more or less dazed and overcome by the solemn plausibilities of official rank and title, but they have no monopoly of patriotism. There are thousands upon thousands of people in this country who are making the hardest of sacrifices for the sake of the country who hold no office and never will hold any. There are many men upon this floor at this moment who are making sacrifices, although they say nothing about it, which wring their hearts and which involve those who are far dearer to them than their own lives. They are not to be told by the heads of bureaus and commissions that they fall short in patriotism because they criticize, in the interest of the country as they believe, some of the doings of these departments or commissions or bureaus. It is very easy for some of these gentlemen in office to display a somewhat vociferous patriotism. I have no objection to their doing it, but they must not reflect on the patriotism of other men who differ from them on public policies. There is a tendency, perhaps more than a tendency, to make the test of patriotism a blind unquestioning support not only of the President himself but of everyone whom he sees fit to appoint to a position of responsibility. It is our duty to support the President as the representative in the highest office of the American people to the utmost of our power, but never beyond what our conscientious convictions of duty to the country and the cause demand. Many years ago in a very familiar poem Lowell wrote:

The side of our country must others be took,
An' President Polk, you know, he is our country,
An' the angel that writes all our sins in a book
Puts the *debit* to him, an' to us the *per contra*,
An' John P. Robinson, he
Ses this is his view o' the thing to a T.

The first four lines involve a syllogism of which the conclusion, although obvious, is lacking, but the John P. Robinsons are as plentiful now as they were then. The highest allegiance, as I said the other day, is to the country and the cause and then to the President and to the men who represent that country and that cause in the field. Criticism may be false, malevolent, and harmful, just as the falsehood which drips from the lips of interested flattery may be pernicious, but honest criticism may well be helpful. The man who tells the truth as he believes it in a proper way to those charged with responsibility must not be regarded as an enemy by the men to whom he offers the truth or the facts as he understands them. He is laboring for the same end. He had much rather give unstinted praise, but he would be false to his highest duty if in order to give praise he concealed the truth. The greatest men are those who have always looked facts in the face, as Washington did. A truly great man is anxious to hear what is unpleasant even more than what is pleasant because if anything is wrong it is by the knowledge of it and by remedying it that he carries his cause to triumph. Absolutely complete veracity of mind is rare and is found perhaps only in the very greatest men, but any man ought to have the courage to seek the truth and not shrink from hearing the truth because it may be disagreeable to listen to it. "An uncomfortable truth is a better companion in life than a pleasing falsehood." The American people I believe are a brave people and wish to hear the truth and are not afraid to face it, although some who would win their favor seem to think so. If there is anything wrong or anything that can be improved, let us know it and let us set about the work of improvement at once. To lull ourselves with harmonious pæans that everything is for the best in the best of all possible worlds would be fatal. This is a troubled and distracted world. We are battling for the very life of civilization and everything we hold dear. We are engaged in a life and death struggle with barbarism in war and with tyranny in peace. We need to strain every nerve to win a complete victory, but there is no road to that victory except by facing facts as they exist and meeting them with all the strength of body and soul that there is in us.

WAR FINANCE CORPORATION.

Before the conclusion of Mr. Lodge's speech,

The PRESIDENT pro tempore. The Senator from Massachusetts will please suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Massachusetts will proceed.

After the conclusion of Mr. Lodge's speech,

ADJOURNMENT.

Mr. GALLINGER. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 28, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 27, 1918.

The House met at 12 o'clock noon.

Rev. James L. Gordon, D. D., of the First Congregational Church, Washington, D. C., offered the following prayer:

O God, our help in ages past, our hope for years to come,
Our shelter from the stormy blasts, and our eternal home,

We come to Thee, and we thank Thee that Thou hast revealed Thyself in nature, that Thou hast revealed Thyself in us, that Thou hast revealed Thyself in the Old Book, that Thou hast revealed Thyself in the heart of Thy Son, Jesus Christ, the peerless personality of all the centuries and of all the years, and we thank Thee that Thou hast revealed Thyself and that Thou art nigh unto us. We come unto Thee to-day in one of the greatest hours in the history of the world, and we thank Thee that we are living in such a time as this.

We are living, we are dwelling
In a grand and awful time;
In an age on ages telling,
To be living is sublime.

We bless Thee for our residence in this great country, this gathering together of the nations of the earth, this family of States, this blending and mingling of all nations and tongues and races and peoples, and we bless Thee that we are living in such an hour as this when the whole world stands face to face with a new epoch in the history of the world.

We do ask of Thee that Thou wilt grant that the eternal distinction 'twixt right and wrong shall be enthroned in every heart and in every soul. Help us to believe and grant us the faith to believe that the right shall triumph over the wrong, and that eternal good shall be eternally enthroned in this Nation and in this world. Help us to sing,

God moves in a mysterious way His wonders to perform,
He plants his footsteps on the sea and rides upon the storm.

We pray for our Republic, for our flag, for the President of the United States of America, for our Senators, for Members of this House of Representatives, for our soldiers, for our sailors, and for the absent Chaplain—for all. O God, bless us and draw nigh unto us in this great hour, and grant that for each and for all and for every one of us there may be enthroned in the heart and mind and soul and the personality of each one of us a consciousness void of offense toward God and man. In this hour reveal Thyself, and grant that we may be true, true to the best instincts of heart and of soul. Lead us on in the way everlasting and grant that as a result of all the trials, tribulations, difficulties, perplexities, and problems there may come out of the turmoil and conflict one God and one humanity, a race united, to serve and to worship Thee. Keep us till the day dawns and the shadows fly away, and then grant us all admission to Thy presence at last. We ask it in the Redeemer's name and for His sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I present herewith a report (H. Rept. No. 343) from the Committee on Invalid Pensions on the bill H. R. 9959, increasing rates of pensions of soldiers and sailors of the Civil War.

The SPEAKER. The gentleman from Ohio presents a report upon a pension bill, which will be referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to have printed my views in connection with the report submitted by the gentleman from Ohio [Mr. SHERWOOD] on the pension bill, H. R. 9959.

The SPEAKER. The gentleman from Indiana asks unanimous consent to file his views as a minority member on the pension bill. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S.

3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3915. An act to reimburse Benson County, N. Dak., for money expended in the care of three insane Indians.

The message also announced that the President had approved and signed bill and joint resolution of the following titles:

On February 21, 1918:

S. 1418. An act to authorize the President of the United States to appoint Harry Graham captain of Infantry.

NOTE.—This bill was presented to the President on February 7, 1918; and not having been returned to the House of Congress in which it originated within the time prescribed by the Constitution, it has become a law without his approval.

On February 12, 1918:

S. J. Res. 128. Joint resolution granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3389. An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMAS F. SMITH for 10 days, on account of death in family.

QUESTION OF PRIVILEGE.

Mr. DIES. Mr. Speaker, I rise to a question of privilege touching the dignity of the House of Representatives and the integrity of its proceedings. I send to the Clerk's desk a newspaper clipping and ask that it be read.

The SPEAKER. The Clerk will read.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not.

Mr. WEBB. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Eagle	Hood	Nicholls, S. C.
Capstick	Fairchild, B. L.	Husted	Norton
Carew	Fairchild, G. W.	Johnson, S. Dak.	Porter
Chandler, N. Y.	Fields	Jones, Tex.	Riordan
Clark, Fla.	Flynn	Kahn	Robinson
Coady	Garland	Kraus	Rowland
Copley	Good	Kreider	Sabath
Curry, Cal.	Gray, N. J.	LaGuardia	Scott, Iowa
Dallinger	Gregg	Langley	Scully
Dempsey	Hamilton, N. Y.	McCormick	Smith, Thos. F.
Doremus	Heflin	Maher	Snell
Drukker	Heintz	Mann	Wilson, La.
Dunn	Hollingsworth	Mudd	

The SPEAKER. On this roll call 379 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Texas.

Mr. DIES. Mr. Speaker, I ask that the Clerk read the extract from the article sent to the Clerk's desk.

The Clerk read as follows:

CONGRESSMEN SEEK SPITTING RECORDS, SAYS ALVAN FULLER.

Asserting that "the majority of our Congressmen are here telling stories and practicing to see who can spit the farthest, Congressman ALVAN T. FULLER, of Massachusetts, the only independent in both Houses, to-day characterized Congress as "the most inefficient and expensive barnacle ever attached to a ship of state."

In a letter of vigorous protest to Speaker CLARK against the present system of legislative work, FULLER resigned from the Committee on Expenditures in the Interior Department, saying it hadn't met this session.

Mr. DIES. Mr. Speaker, if the newspaper article which I just caused to be read by the Clerk stood singly and alone I am sure I would not take up the time of the House to comment upon it, but it has become quite the fashion in recent times for every penny paragrapher in the country to make light of the American Congress and seek to belittle it in the eyes of the country. This belittling and aspersion has usually been from persons who knew nothing of this great legislative body or the personality of its membership. The penny paragraphs written by these anemic ink shovers, who could probably earn ten or fifteen dollars a week [laughter and applause] usually spring from brains somewhat prescribed in their limits, both as to intellectual ability and the opportunity to observe this body, but now a Member of the body itself has been found who declares the decadence of the Congress, that it is no longer a useful body in the Republic for the maintenance of the liberties of the people and the conduct of the people's business, and because I know that the penny liners and funny paragraphers will take up what a Member of this body has said and write many funny paragraphs, because there will be old, effete men and young, immature children, and some Bolsheviks, and some scattering ignorance in the country that will believe it and thus despair of the usefulness of the most popular branch of our Government. For that reason, Mr. Speaker, I have felt you might not resent it if I commented briefly on this article or letter written by the gentleman from Massachusetts [Mr. FULLER] to the Speaker. Mr. Speaker, it might not be amiss to propound the question, What is the Congress, this body of 435 men, one branch of Congress, the House of Representatives? I believe in every instance they are chosen—they must be chosen—by a free and untrammelled suffrage of those whom they represent. They represent in the aggregate 100,000,000 of people, and they are chosen for this service every two years. They are chosen by what I conceive to be the most enlightened electorate in the world, and chosen often enough that the people can replace them, or parts of them, as they show themselves inefficient or unworthy of the place they hold. And I may say, Mr. Speaker, that the position of Congressman is sufficiently dignified, carries with it sufficient responsibility and sufficient remuneration to challenge the ambition of the best and brainiest men who are in the several congressional districts of the United States. A reflection upon this body, Mr. Speaker, is a reflection upon those who sent us here. If this body, as the gentleman from Massachusetts [Mr. FULLER] has said in his letter to the Speaker, is a barnacle upon the ship of state, whose Members engage in no more weighty or worthy occupation than seeing who can spit the farthest, if that is true, what must be true of the fallen citizenship of those who sent men of that character into this Chamber. Here, sir, are being determined and have been determined the weightiest questions of state; here are being determined questions of the highest moment affecting the destinies of 100,000,000 of free people; and if it is true that the people have fallen to such a state of decadence of citizenship that they have sent unworthy, lazy barnacles to Congress to represent them, then that must give occasion for despair to those who seek the perpetuity of the Republic. And before I am willing that the people should accept the estimate of the gentleman from Massachusetts, I would like to know in what particular he can qualify as a critic of the American Congress.

I know Charles Dickens came here in an early day, long before the Civil War, I believe; I do not know just when, but probably in 1846; and he made some little light of the American Congress, but probably he was smarting under the defeat of Pakenham by old Andrew Jackson at New Orleans, or probably his national pride had been wounded by the blaze of glory in which our flag had swept the world. Dickens might qualify as a foreign critic of the American Congress, but I would like to know, before we accept this new apostle of iconoclasm [laughter], what qualification he possesses that entitles him to sit in judgment upon this great body, a body from which men have gone to the Presidency, a body from which men have gone to the Supreme Court, a body from which men go almost every four years to the Cabinets of Presidents, to fill the most responsible places as foreign ambassadors in the courts and embassies of the world. It must be some colossal intellect; it must be some man deeply learned in the history and philosophy of the world; it must be some man who has given the world some token of his prowess who essays thus to dub the Congress of America "a lot of barnacles and spitters." [Laughter.] Now, in what I am going to say, Mr. Speaker, I need not assure the House there will be no bitterness. How could a man be bitter against a man he never saw in his life and never heard of, I believe, until this matter came up. [Applause.] When my attention was called to this arraignment of Congress by the gentleman from Massachusetts, I immediately began to inquire among the membership as to who this gentleman is who was

so high and holy, so pure and mighty, that he could not sit with "a lot of spitters and barnacles."

Believe me, Mr. Speaker, I had a great deal of difficulty in finding anybody who had ever seen the gentleman. [Laughter.] But that did not prejudice me against the gentleman from Massachusetts [Mr. FULLER], because he is a new Member of this House and the body is numerous, consisting of 435 Members. There are many of them whom I do not know, and that would be no reflection upon him: And so I said that I would go to the Congressional Directory and surely I would get some trace of him in there. And I did. I found he had served a term in the Massachusetts Legislature and that he was the owner of the Packard Motor Car Co., of Boston.

Now, the service in the Massachusetts Legislature is of some value to him in this body. His ownership of the Packard Motor Co. is none. Then I went to the Record clerk, and I said, "This man must have been making some speeches and protests against the decay of a great Republic in order to have come now and call attention to its decay to the American people. Surely before he told the men and women of America that this body was rotten he would come before this body and make some protest, even as Demosthenes did before the decay of the Greeks." [Laughter.] But I searched the CONGRESSIONAL RECORDS in vain. I called to the pages of the RECORD for FULLER of Massachusetts, and the answer was silently entombed in the RECORDS there—silence, simply that and nothing more. [Laughter.]

Then I said, "This gentleman who despairs of the Congress surely has introduced some measures here for the relief of the people," and I went to the proper officer of the Congress to secure copies of the bills that he had introduced. I found that on January 11 of this year Mr. FULLER of Massachusetts introduced a bill to establish a common-commodities commission.

This bill is very short, and I want you to read it, because before a man can qualify as a critic of the Congress of this country he must have some knowledge of statecraft. The people of America, no matter if they thought we did spit a little [laughter], and that some of us did not get as many miles out of a gallon of gasoline as we ought to get in the performance of our duties here, would not tear this great edifice of the people down at the beck and call of a man or men who evidenced no knowledge of statecraft. You are not going to let anybody tear your Ford, or Packard, either, down unless they know how to build up another as good as that. You ought to know before you let your machine be torn down that somebody is tearing it down who can rebuild it. The following is the bill:

A bill (H. R. 8633) to establish a common commodities commission.

Be it enacted, etc., That there shall be established a common commodities commission, consisting of five members, to be appointed by the President and confirmed by the Senate, whose duties shall be to establish and regulate the maximum price which shall be paid for the common necessities of life.

This commission shall submit to the President of the United States each month a list of articles which it has designated as common necessities of life, and such a list shall, when approved by the President, be considered as the official list of articles on which said commission shall fix the maximum price for which they shall be sold.

The salaries of such commission and any necessary employees, which it is hereby authorized to employ, shall be established by the President, as well as the terms of office for which they shall be appointed.

The rules and regulations by which this commission shall be governed shall be established by the President of the United States, who is hereby authorized to take all necessary steps to see that the recommendations of the commission are carried out.

Of course, the introduction of that bill would be incongruous by any man who did not think the Congress was not a bunch of barnacles. That would entirely relieve the human family, without any further ado, from the law of supply and demand. All he would have to do would be to have a book with thousands of articles printed in it relating, among other things, to potatoes, whether frostbitten or not, and eggs, whether more or less spoiled, and the price thereof. And if you had time, and were not blind then, to look it up, before you went to market you could tell whether you had enough money to buy breakfast with or not. [Laughter.]

I found that this bill was referred to the Committee on Agriculture. Naturally, I supposed that the gentleman from Massachusetts, viewing the crumbling of the Government with some alarm, no doubt had gone over to the chairman of that committee posthaste to get a hearing and see if he could get this legislation enacted into law. But I find that the chairman of the Committee on Agriculture did not even know the gentleman, and had not seen him so far as he was able to know. He had not requested a hearing on the bill and had not done anything in the direction at all of causing it to be written on the statute books of the country. Probably the gentleman was ashamed of the child and did not want anybody to know seriously down here that he was the father of it. [Laughter.]

Mr. VENABLE. Will the gentleman yield?

Mr. DIES. Yes.

Mr. VENABLE. I wish to inquire if the gentleman's information is that the reason the gentleman from Massachusetts had not pursued his bill was because he was too busy spitting?

Mr. DIES. I take it from what I learn from the gentleman's letter to the Speaker that he is too decent to spit [laughter], and that if he did spit he would not spit far. [Great laughter.]

The next bill was to require Members of Congress, in obedience to the false clamor of the newspapers, based on false information, to pay an excess-profits tax on their salaries. Well, now, of course we all voted for it, and nobody wants to avoid any sort of tax. The first thing we did when we made an income tax was to tax ourselves. Everyone knew that for a man who came here with no income except his salary and had to pay campaign expenses every two years and go to and from Washington \$7,500 a year, if he were fit to be a Congressman, was as low a salary as the Government ought to give him. But we voted to tax ourselves under the provisions of the income tax. Then this gentleman introduced a bill to levy an excess-profits tax on us. I think probably they are going to do that. Let them do it.

Mr. REED. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. REED. We have exempted the State officials of all the States.

Mr. DIES. Yes. The salary of a Congressman should never have been subjected to an excess-profits tax. Who ever heard of an excess profit in a Congressman's salary [laughter], especially when he has to pay 70 cents a pound here in Washington for butter and 80 cents a dozen for eggs, against one-fourth of that amount that we paid before the war? No more foolish thing could be said than that there should be an excess-profits tax on a Congressman's salary.

Now, there were two other little bills introduced by the gentleman from Massachusetts.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. FLOOD. I would like to ask the gentleman a question. Did the gentleman from Massachusetts follow this bill up?

Mr. DIES. I think the gentleman for that suggestion. He did not. My understanding from the committee is that he made no effort to have his bill written into the law.

Then, one other bill was to increase the pension of some worthy soldier to \$75 a month, but I understand that no brief or evidence or sworn testimony was ever submitted to the committee, and that the increase was not given.

The only remaining bill I have been able to find is one that was referred to the Committee on Claims, allowing \$1,100 to some gentleman who is no doubt entitled to receive it for damages done by the Federal Government. [Laughter.]

Mr. FULLER of Massachusetts is a member of the Committee on Claims, and also a member of a subcommittee of that committee, whose duty it is to handle these claims. I understand that the chairman of that committee is not even acquainted with the gentleman from Massachusetts. [Laughter.] I also understand that as a member of that subcommittee he has a box there of claims of citizens against the Government, a number of important claims, waiting to be considered by the gentleman from Massachusetts, a member of the subcommittee, but that he has never gone there to get acquainted with the chairman or to look into the box and see how many claims are awaiting his attention. [Laughter.]

Now, Mr. Speaker, this gentleman resigned from the Committee on Expenditures in the Interior Department. Let me say that there are no more important committees in this House than the Committees on Expenditures. They are generally inactive, thanks to the fact that there is but little graft and misgovernment in the departments. They were created back in 1816 and later as the departments were created. Let us see what the duties of these committees are. As I said before, they are often quiescent. Often these committees take no action for months and months, and sometimes for a year at a time.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. GORDON. The inactivities of these committees are frequently due to the absence of members from the Capital and their inability to obtain a quorum, is it not?

Mr. DIES. Well, I confess that there may be something in that. [Laughter.]

Now let me read, so that it may go into the Record, the duties incumbent upon a member of the Committee on Expenditures in the Interior Department:

The examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extrava-

gant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several departments.

I went to the chairman of this committee, the gentleman from Oklahoma [Mr. HASTINGS], and I inquired of him what effort the gentleman from Massachusetts had made to have the committee take up the investigation of these matters. He said he did not believe he would know the gentleman from Massachusetts if he should see him. [Laughter.] I found that the gentleman from Massachusetts had made no effort to have a meeting of the committee on these matters. But he needed no committee meeting to institute an investigation. As a member of that committee, the great Department of the Interior was open to him for investigation and examination and criticism.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. STEVENSON. I am a member of the committee which the gentleman says never met. We had a meeting and took action to discharge some very important matters, and the gentleman was not there. I have never seen him myself. [Laughter.]

Mr. FULLER of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FULLER of Massachusetts. I rise to answer that false statement that was made.

The SPEAKER. You can not do it that way.

Mr. STEVENSON. I would like very much for the gentleman to make a statement.

The SPEAKER. The House will be in order. The gentleman, if he has anything to say, will get time after the gentleman from Texas is through. The gentleman from Texas will proceed.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. DIES. I would rather not now; just in a moment.

Now, Mr. Speaker, I have not called attention to these matters in order to be funny, or in order to make a speech at the expense of the gentleman. I have done it because I believe, as a Member of this Congress and as a citizen of this Government, there ought to be something done to put a stop to the querulous, the unjust, and the silly criticism of this body. [Applause.] Why, here is a body of men that possesses more brains and more patriotism, and more information than any other legislative body on earth. How can you value anything except by comparison? Compare the Congress of the United States with any other body that exists in the world; compare it with the French Chamber of Deputies, the German Reichstag, and the British House of Commons, and I undertake to say that both in the patriotism of its Members, their intelligence, and their integrity they bear favorable comparison with any other body that exists upon the earth. I will name just a few of the Members that are here before me: CLARK of Missouri, CANNON, KITCHIN, FORDNEY, COOPER of Wisconsin, SAUNDERS of Virginia, RODENBERG, MANN, GLASS, GILLET, GARNER; and I could name a hundred others if your patience would not be exhausted while I proceeded to do it, men who are as fearless in the discharge of their duties, men who are as competent to sit in judgment upon the destiny of a great people, men who are as well informed, and better informed, probably, on the great legislative affairs that occupy the arena of the world than any equal number of men in the world.

Why, do you know, I was riding along in my little jitney out in the park last year or the year before—

Mr. KING. Was it a Packard?

Mr. DIES. No; mine was a Maxwell. I noticed a gentleman in a Ford, rattling along like a tin peddler, and I said to my wife, "There goes the chairman of a committee that is going to appropriate more money this year than will be appropriated by any committee of any other legislative body on earth." That was the gentleman from Tennessee [Mr. PADGETT], chairman of the Naval Affairs Committee. Not long ago I was riding up Pennsylvania Avenue in a street car, trying to hang onto a strap, and I saw the gentleman from Alabama [Mr. DENT] hanging to a strap and wabbling back and forth, and later I told my wife, "That little fellow you saw there hanging to that strap for dear life is at the head of a committee that is going to appropriate more than \$8,000,000,000 of the people's money in this Congress."

Not long ago the gentleman from New York, Mr. Fitzgerald, who was then an honored Member of this body [applause], resigned from it to go back into his profession, because he wanted to make enough money to educate his children and to have something to keep the wolf from the door in old age. He was chair-

man of the great Appropriations Committee that handles and has handled for years the colossal appropriations of the Government. No one ever heard a breath of suspicion against Fitzgerald, against DENT, against PADGETT, or against any other Member of this body. Honest as Paul! A legislative body without reproach! And I think that can not be said as completely of any other legislative body in the world. In my almost 10 years in this Chamber I believe I have served with 1,500 or 2,000 Members of Congress, and as God shall judge me at the last great day, I do not believe I have ever known a man in this body who was venal or unfaithful to his conception of his duty. There are lots of Members with whom I do not agree, but, after all, it is their constituents principally that we do not agree with, because a man comes here to represent the views and ideas and traditions and history of his district, and I respect the opinions of every man here, because I know that if he differs from me it is merely because his constituents differ from my constituents as well as he differing from me.

The gentleman from Massachusetts [Mr. FULLER] does not look upon his seat in this Chamber as the great Speaker of the House looked upon his 10 years ago, before he ascended to his present high position—a gentleman, I may say, who came so near to being President of the Republic that at least half of the people think he ought to have been. [The Members rose and applauded.] Let me read you an excerpt from an extemporaneous speech made on the floor here by the then Mr. CLARK of Missouri. He said:

I have heard a distinguished Member of this House, now a Member of the United States Senate, say on the floor of this House once that he hoped the time would never come when the salary attaching to a public office was the chief inducement to an American citizen to accept that office. [Applause.] I endorse that. I am as proud of my seat in this House as any man here. I will stay here, if I can, at \$7,500 a year, and I would stay here if you cut the salary down to-morrow to \$5,000 a year. I would stay here if you cut it down to \$4,000, if you cut it down to \$3,000—I would stay here if you took the salary away, as long as I had bank account enough left to stay. That is because I like the service here. It is the thing that I looked forward to from a time that I can scarcely remember, when I was a poor, barefoot, ragged boy hoeing corn on a rocky hill in Kentucky.

I had never seen a lawyer, I had never seen a Congressman. I had never seen a courthouse, but I made up my mind then that I was going to be a lawyer and that I was going to be a Member of the House of Representatives, and I made good on both propositions. [Applause on the Democratic side.] The picture of that little, ambitious boy working as a hired hand, dreaming of the day when he would be here, abides with me to this day and will abide with me forever.

[The Members again rose and applauded.]

There are many of us, Mr. Speaker, who never have climbed and never will climb life's ladder of fame as you have done, but many of the humble Members of this body have had almost the same experience you had as an humble aspirant. What man would give up his service here? What man would give it up as a heritage to his children, an honorable service in the great Congress of the great Republic? I had rather hand it down to my sons and my daughters than to give them the wealth of Croesus, King of Lydia. [Applause.] And I will say to my friend [Mr. FULLER], for whom I have nothing in this wide, wide world except charitable feelings, that in the years to come, when his children shall gather about the firesides of their homes to mention the father who shall have gone to the great beyond, they will be proud to refer to him not as the owner of the Packard Motor Co. of Boston, but as a Member of the great Congress of the United States of America. [Applause.]

Mr. Speaker, if I may be permitted to do so, let me reminisce for a moment about the House of Representatives. This is not only a wonderful body of men, but a peculiar body of men. Some men come here from agricultural, some from mining, some from manufacturing districts. They come from all over the country. It is a superficial observer who thinks that each of these men has not some strong point and some strong thing about him that has justified his great constituency in making a Member of Congress out of him. I know oftentimes I have been too hasty in my appraisal of Members. I would think there was not much in them, and presently they would flash forth like a meteor across the sky in some great public service for the country. Why, I remember CARTER GLASS. Certainly I never looked upon him as a thing of beauty. [Laughter and applause.] I sat around here, Mr. Speaker, and I did not know there was very much in CARTER GLASS until he became chairman of the Banking and Currency Committee, and in advocacy of that great constructive financial measure that all the world recognizes now as a wonderful piece of legislation I saw him reach down under his more or less plebeian vestments and draw out a rapier and wield it upon the floor of this House, and it was as keen a blade as ever flashed in the morning sun. [Applause.] And then once there came from Maryland a little, short, sawed-off gentleman here, who began to talk to us in a new line about the parcel post, and I heard the Members say, "Who is that little Tom Thumb from Maryland?" But he kept

talking to us, and he had something in his head, as well as patriotism in his heart, and David Lewis continued to talk until he helped to write the great parcel-post law in its amplified form upon the statute books of the country. [Applause.]

I would say to my friend, Mr. FULLER, in all charity that a new Member is entitled to have the mantle of charity thrown about him. We have all been new Members. [Laughter.] And it is one of the characteristics of this body of men, with all sorts of sense and all sorts of charity and common sense and horse sense, that they do not hold anything against anybody here. You can make a fool of yourself and get away with it, because they have all done it more or less when they first started. [Applause and laughter.] This is a very charitable body. And I will say further, Mr. Speaker, that the way to get along in this body, the only kind of coin that passes current here, is the coin of brains and of integrity.

Men come here worth millions and we never know it. I sat by the side of a man that afterwards became ambassador to France, and I believe we spit together, too. [Laughter.] He was a most excellent gentleman, and after I had served a number of terms with him and he was appointed as ambassador somebody said that he had several million dollars. I never knew it; it did not make any difference. There is no aristocracy here except of intellect and integrity. [Applause.]

We poor folks have nothing against the rich folks. Nay, nay. I wish I had plenty of money; I would like to have it; I think it would give me more leisure to study the great problems of the Government and do a lot of other things, but it would not help me to get on here, because God neither gives more daylight or more brains to a man on account of his wealth. If a man comes to Congress and wishes to win his way to success and fame, he must come prepared to do service.

I will say, Mr. Speaker, that the gentleman from Massachusetts complains in his letter to the Speaker "that when I am with my constituents they usually greet me with the expression, 'My, you must be busy down in Washington.' I would like to be a little busy, and I am very sure if the proper steps were taken by the present Congress this needless waste could be changed into real agencies for service to the Government."

If I might modestly do so, I might suggest to the gentleman how he could put in his time. Mr. Madison, who wrote, I believe, the majority of the articles in the Federalist, laid down a number of subjects with which a Congressman should be familiar who comes here to make or unmake the laws of the country. I will not undertake to enumerate them all, but I will advert to certain branches in which a man can use his time very profitably. He might work a while on the history of the numerous republics that have existed in the world and the rocks upon which the ship of state went to pieces in these ancient realms. He might get a general view of the philosophy of history by gleaning somewhat its general phases, and then when he had finished his reading of the political side of the question, to show the effectiveness of the bill fixing the maximum price of hair-pins, or some other article in the country, he might take down Adam Smith, Ricardo, or John Stuart Mill, and when he got through he might take up the study of the formation of this great Government. He might take up the discussions that gathered around each article of the Constitution; he might take up the Federalist, the articles by Madison, Hamilton, and one article by Jay; and very helpful would be the book written by Mr. McCall, once a Member of this body, on Constitutional Government. I will say that I am proud to have served with Gov. McCall. I look upon him as a great man. [Applause.]

Massachusetts has produced a great galaxy of illustrious names.

The predecessor of the gentleman from Massachusetts [Mr. FULLER], I may say to my friend, because hereafter I shall call him my friend [laughter], your predecessor, Mr. Roberts, had an honorable service of 16 years in this body and stood at the very top of the membership of this House, and in point of intelligence and in point of information and patriotism and ability. [Applause.] My friend from Massachusetts should not despair because Congress did not send a band to meet him at the station. A lot of gentlemen who come here overestimate their importance. I had a friend who came here at one time and he missed the train at Cincinnati. He thought that if he did not get here on time some of the pillars of the Republic would be missing, and so he got a special train to get him here on time. [Laughter.]

Speaking of the characteristics of Congress, why, do you know, you have not got time to be barnacles? The idea of a man being a Member of Congress and having nothing to do! Suppose he did not read about the foundation of the Government, suppose he wanted to tinker a watch without being a watchmaker, suppose he tried to run a locomotive and never

had seen a locomotive, suppose he wanted to go up in an airship before he had any experience or training. Still there are a hundred and one things he can do for his constituents—250,000 in most of our districts, on an average. The requests that are made upon us by our constituents may sound silly to the paragrapher. They may write about a breed of cattle or a breed of chickens; how to set a hen; how to grow tomatoes; they may write for a package of flower or garden seeds, but their requests upon us are as important to them as the request of some business man who wants to know how to escape millions of excess-profit taxes. [Laughter and applause.] Every citizen of this Republic, man, woman, and child, has a right to call on the Congressman. Whom would they call upon? They have no other representative at the Capital to call upon. The Congressman from every district is the ambassador of his people, and it is his duty to read the letters that they write to him. Sometimes you get them in the handwriting of a little child to send out seeds. Sometimes they want a package of seeds, sometimes they want an old coin tested. Then it is that we all remember that we are their Representatives at Washington, and if they can not call upon us to do their bidding, whom can they call upon? So if a man answers all these letters of his constituents, sends out all of the literature, manufacturing and agricultural, that they want, keeps his nose clean all the time, he will earn his salary, believe me, whether he ever served at the head of a committee or not. [Laughter.]

I do not know whether it is true or not, but some one told me that my friend from Massachusetts [Mr. FULLER] never drew his salary, would not have it, would not take it. I do not know upon what theory he goes. He says he is a business man, and I think he must be a good business man. Probably he goes upon the theory that he has not done anything to earn it yet. [Laughter.] I know the Bible says that the laborer is worthy of his hire, and I know that a Member of this great body, who sits upon the destiny of a hundred millions of people, if he is an honest and fearless man and does his duty, is entitled to his salary, and I recommend to the gentleman that he take it. It will be the cleanest and best money he ever had in his pocket. [Laughter.] I do not mean by that to say that he ever had any unclean money in his pocket, but I mean to say that a man who puts Uncle Sam's dollars in his pocket for honorable and patriotic service here not only should be proud of what they will buy, but he should be proud of what they have already bought in the way of honorable and patriotic service. [Applause.] Mr. Speaker, our erring brother has formed a hasty notion of us. You know men sometimes jump at conclusions. First impressions are not always the best. If this gentleman who was elected to the Sixty-fifth Congress had stayed down here and answered to his name when it was called on the roll, had looked into the faces of his fellow Members, and had listened to the debates on public questions, had gotten acquainted with the membership it would never have occurred to him to refer to them as barnacles on the ship of state. In the first session there were 83 roll calls, and the gentleman from Massachusetts [Mr. FULLER] missed 38. In the second session of the Sixty-fifth Congress, up to February 25, there have been 56 roll calls, and the gentleman has missed 33. Now, if the gentleman has never gone to the committees upon which he is appointed to serve, and even gotten acquainted with the chairmen of those committees, if he has never asked a committee to write his bills into law, if he has not even done us the courtesy to come down and sit with us as brethren on a mission of great importance to the American people, I ask him in all fairness if he should indict us for uselessness. Ought he in good charity to dub us barnacles on the ship of state? Mr. Speaker, how much time have I occupied?

The SPEAKER. The gentleman has five minutes remaining.

Mr. DIES. Mr. Speaker, I shall take those five minutes to say that never in my life would I have taken up the time of this Congress to say what I have said on account of what the gentleman from Massachusetts said alone; but I do say, and I repeat again, that the idle talk all over this land, in the newspapers and magazines, that this is a shiftless, idle, unpatriotic body of men is a wrong to us who represent the people here, is a wrong to the people who send us here, and is a wrong to the great Republic whom we serve. More ought to be said about it. I am proud of my service here. May I say, in something of imitation of what the Speaker said, that I, too, fit the description of his career—that is, his career up to the time he got off the farm, not since he has been here—that I, too, in reading the school histories, Davies first, second, third, fourth, fifth, and sixth readers, in reading the great debates in Congress by Hayne and Webster, by Clay and Calhoun, and the great debaters of that time—that I, too, retired often to the barn and pranced up and down making embryonic congressional speeches,

with the hope that I might become a Member of this great body; and, as I said a moment ago, I would not give my service here, I would not give my clean, unimpeachable record for integrity and patriotism here as a heritage to hand down to my children, for all the balance that I have ever had, put together. [Applause.] No, Mr. Speaker; this body is not decadent, it is not a bunch of barnacles upon the ship of state, and it never will be until the people who send us here fit the description the gentleman seeks to fasten upon us. Let us hope that in the providence of God that rules the nations of the world, the citizenship whom we represent will not fall into such a state of decadency that they will send barnacles to Congress to fasten themselves upon the ship of state. [Applause.]

Mr. STEVENSON rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. STEVENSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. STEVENSON. Mr. Speaker, awhile ago I made a statement in respect to a meeting of a committee, and the gentleman from Massachusetts [Mr. FULLER] rose and stated that he wanted to reply to that "false statement." I want only a minute, but I do not propose to have that inference go out about me in this House.

I did not intend to inject myself into this matter. I am one of the new Members, and I do not believe in interfering in matters generally, but there was a statement in the paper that was read here that said that he resigned from the Committee on Expenditures in the Interior Department, and that the committee never had had a meeting. That is the way I understood the reading of the paper. The committee had a meeting at the office of the chairman, Mr. HASTINGS, at which were present Mr. HASTINGS, myself, Mr. KREIDER, Mr. PURNELL, and Mr. WELLING, of Utah. If the gentleman from Massachusetts [Mr. FULLER] was there, I have done him an injustice when I said that he was not there; but if he was there I do not remember it. But I desire to call attention to this: If he was there, then he knew there was a meeting of the committee, and his statement that was made that the committee never had met was deliberately untrue, and I did not propose to charge him with that. That is all I have to say. If he was there, then I apologize to him for saying that he was not there; but I call upon him to retract the statement that that committee has never met, because if he says that he was there, then necessarily he admits that that statement is incorrect, and if he was there he knew it was incorrect, and he deliberately said so. [Applause.]

Mr. FULLER of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. FULLER of Massachusetts. Mr. Speaker, I would like to reply to the statement just made by the gentleman from South Carolina.

Mr. GILLET. Mr. Speaker, I ask unanimous consent that the gentleman has such time as he wishes to reply.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLET] asks unanimous consent that his colleague [Mr. FULLER of Massachusetts] may proceed for—

Mr. FULLER of Massachusetts. Two minutes.

The SPEAKER. For two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FULLER of Massachusetts. Mr. Speaker and Members, apparently this is my busy day. I contradicted the gentleman—I have forgotten his name—who said that in my letter I stated there had not been a meeting of that committee. There have been so many misstatements in regard to the letter that I ask as a matter of justice that it be printed. The gentleman said that I made a statement in the letter that there had been no meeting. I made no such statement. There was a meeting, and I was there. I regret I have not the oratorical ability and composure to answer the gentleman in detail. I shall hope to do so later. But I do ask that as a matter of justice my letter and just what I said shall be printed in the Record, because it has been badly mangled here this morning. [Laughter.]

The SPEAKER. The gentleman from Massachusetts [Mr. FULLER] asks unanimous consent—

Mr. MOORE of Pennsylvania. Mr. Speaker, may I interrogate the gentleman from Massachusetts?

The SPEAKER. Let the Speaker state the case. The gentleman from Massachusetts asks unanimous consent that the letter which he wrote to the Speaker be printed in the Record. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask of the gentleman from Massachusetts, apart from his controversy as to the activities of this

committee, whether in his letter he made the broad charge that the House was a barnacle upon the ship of state?

Mr. FULLER of Massachusetts. Absolutely no, sir.

Mr. MOORE of Pennsylvania. I understood that to be in the gentleman's letter—that he made the direct charge against the entire body of the House, indicating that it was a barnacle upon the ship of state.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

Mr. QUIN. Mr. Speaker, I object.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

Mr. QUIN. Mr. Speaker, I withdraw the objection as far as I am concerned.

Mr. FULLER of Massachusetts. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. There were at least a dozen Members objected, and the Chair will put the question over again. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I do not want to do the gentleman an injustice—

Mr. SNYDER. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, I ask as a matter of order that the gentleman has asked to be heard upon a matter of personal privilege.

The SPEAKER. The Chair heard that, but the Chair can not do everything at one time. If the gentleman rises to a question of personal privilege, he will please state the basis for it.

Mr. FULLER of Massachusetts. Mr. Speaker, I would ask that the letter be read now.

The SPEAKER. The Chair knows, but the House has just objected to the letter being read. The gentleman from Massachusetts asks that the letter which he wrote to the Speaker be read to the House. Is there objection?

Mr. SNYDER. Mr. Speaker, I object.

Mr. RAINEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts be allowed 20 minutes to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts may proceed for not more than 20 minutes. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object—

Mr. MOORE of Pennsylvania. Reserving the right to object, I want to ask the gentleman from Massachusetts if he intends reading the letter in his own time? I have no objection to his doing that.

The SPEAKER. The gentleman can not read it without permission of the House, if anybody objects.

Mr. MOORE of Pennsylvania. If he is given the 20 minutes—

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I hope the gentleman from Illinois will modify his request and ask unanimous consent that the gentleman from Massachusetts [Mr. FULLER] have all the time he desires to say anything he sees fit to say. [Applause.]

Mr. RAINEY. Mr. Speaker, I so modify my request, that the gentleman have all the time he desires and in that time he be permitted to read this letter.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks that the gentleman from Massachusetts be permitted to proceed until he concludes, and in that time that he shall be permitted to read the letter if he wants to do so. Is there objection? [After a pause.] The Chair hears none.

Mr. FULLER of Massachusetts. [Applause.] Mr. Speaker, I shall proceed to read the letter.

Hon. CHAMP CLARK.
Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Expenditures in the Interior Department. This committee has had no meeting during the present Congress, excepting one short smoke talk (in this respect I believe it is similar to about half the committees of the House), and, so far as I can judge from inquiry and investigation, will have no public business to justify its existence, and that being the case I do not wish by accepting the honor of membership in it to appear to give even my tacit consent to the existence of a committee which has no real, justifiable reason for existing other than to entail a needless and unjustifiable expense upon the people who pay the bills.

As you know, there are 60 standing committees in the House organization, and more than half of them are as useless and unnecessary as the committee from which I am resigning. At a time like this, when we are passing through a grave national crisis, the House should take account of matters of efficiency and economy within its own confines with a view to increasing efficiency and reducing expense. I am a

business man and accustomed to looking at these things from a common-sense standpoint. I was somewhat fearful about my qualifications for undertaking the duties of a Congressman because of a lack of political experience. I find that the duties I have fallen heir to as a Congressman are of an entirely different nature than those I anticipated. When I meet any of my constituents, they usually greet me with the expression, "My, but you must be busy down in Washington!" Now, I would like to be really busy, and I am mighty sure if the proper spirit animated our present Congress that these needless committees could be changed into real agencies for the service of the Government. Why could not some of these needless committees that never meet and that are occupying valuable room and employing secretaries and messengers that have no work to do be utilized for various useful purposes, such as inspecting camps, soliciting labor for shipyards, doing any one of the hundred and one things that the Government is in need of to-day? Instead of this, you and I know that two-thirds of our committees are useless, and, instead of being really busy, the majority of our Congressmen down here are telling stories and practicing up to see who can spit the farthest.

Quite aside from all other aspects, there is a dominating element of political deception in the existing House system. The people have been taught to believe that a Member's standing should be judged by his committee appointments. According to that standard, my constituents, having no means of knowing the truth, might conclude that my membership on the committee in question carries with it some implication of opportunity to advance public interests. As a matter of fact, it means nothing at all, excepting that such committees serve to carry out that kind of pretense.

The public should know that Congress is overorganized with standing committees that do no work, whereas the basis should be efficiency, with the people getting full value for every bit of legislative machinery that exists. As it is now, these dead committees are nothing more than their chairmen, who control whatever clerical and office perquisites attach to each of them. Certainly this is no time for such a condition to exist and continue.

In this connection, it is pertinent to suggest that the present parliamentary system of the House operates to make the average Member little more than a figurehead. There should be such a reconstruction of the system as to give each Member a legitimate chance to represent his constituents and the larger public interests of the whole country.

I am making this protest against conditions as they are, not merely to make my own position clear, but also with the hope that Congress may soon rid itself of these practices which do not conform to the principles of economy and efficiency in the interest of those we serve.

The President is asking our business men to economize and become more efficient while we continue to be the most inefficient and expensive barnacle that ever attached itself to a ship of state. Could there be a more appropriate time to initiate economy and efficiency in our governmental affairs?

Faithfully, yours,

ALVAN T. FULLER.

Mr. MOORE of Pennsylvania. Mr. Speaker—

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Pennsylvania?

Mr. FULLER of Massachusetts. I do.

Mr. MOORE of Pennsylvania. Mr. Speaker, I asked the gentleman when he was on his feet if he had not indicted the entire House of Representatives as a barnacle or barnacles upon the ship of state, and the gentleman said emphatically he had not. Does not the letter which the gentleman has just read prove that he did make that statement against the entire House of Representatives?

Mr. FULLER of Massachusetts. I can assure the gentleman that was not the intent.

Mr. MOORE of Pennsylvania. Does it not so read? I am glad to get the gentleman's statement of his intent, but the impression which the public draws from the statement the gentleman made in that letter is that he intended to indict the entire House of Representatives as a barnacle upon the ship of state.

Mr. FULLER of Massachusetts. I do not think so, because the subject of my letter is the useless committees, which I intended to refer to all the way through.

Mr. MOORE of Pennsylvania. Does the gentleman advance the idea that the entire membership is a barnacle upon the ship of state?

Mr. FULLER of Massachusetts. I do not think so.

Mr. MOORE of Pennsylvania. Was it the gentleman's intent to do so?

Mr. FULLER of Massachusetts. If that is so, I withdraw it now. My reference was to the useless committees of the House.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman one other question while he is on his feet. He said he did attend a meeting of the Committee on Expenditures to which reference has been made. Has the gentleman attended a meeting of the Committee on Claims, of which he is a member?

Mr. FULLER of Massachusetts. There has been no meeting.

Mr. MOORE of Pennsylvania. It has been stated here that there have been meetings and that the gentleman did not attend.

Mr. FULLER of Massachusetts. There has been one, and I did attend. There have been no meetings of the Committee on Claims.

Mr. MOORE of Pennsylvania. The gentleman from Texas [Mr. DIES] indicated that the gentleman from Massachusetts had introduced a bill which had been referred to the Committee on Claims, of which the gentleman is a member. Did the gentleman attend the meeting of the Committee on Claims in view of the fact that he had introduced a bill that was referred to that committee?

Mr. FULLER of Massachusetts. I did not know of the meeting.

Mr. MOORE of Pennsylvania. The gentleman did not attend any meeting of the Committee on Claims?

Mr. FULLER of Massachusetts. No.

Mr. CAMPBELL of Kansas. Mr. Speaker, on what theory does the gentleman from Pennsylvania cross-examine the gentleman from Massachusetts [Mr. FULLER]?

The SPEAKER. Because the gentleman from Pennsylvania asked if the gentleman from Massachusetts would yield—or he pitched in without asking. [Laughter.]

Mr. MOORE of Pennsylvania. I beg the Chair's pardon.

The SPEAKER. The Chair asked the gentleman from Massachusetts the usual formula—if he yielded, which he did, and having yielded the gentleman proceeded to ask him questions.

Mr. CAMPBELL of Kansas. He placed himself at the mercy of the gentleman from Pennsylvania?

The SPEAKER. It is entirely in the hands of the gentleman from Pennsylvania [Mr. Moore] after he yielded to shut anybody out or let them in, as he pleased.

Mr. MOORE of Pennsylvania. Which the gentleman from Kansas often does.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FULLER of Massachusetts. I yield.

Mr. RAKER. I would like to ask the gentleman whether or not he has made an investigation of the rules as to the duty of the committees he refers to as useless?

Mr. FULLER of Massachusetts. What is your question, again?

Mr. RAKER. Have you made an examination of the rules of the House as to the duty of the committees that you say are useless?

Mr. FULLER of Massachusetts. No. I understood that they probably would not meet again, and that one year had gone by and they had met only once.

Mr. RAKER. Now, what committee or committees of the House does the gentleman say are useless?

The SPEAKER. The gentleman from Massachusetts can proceed if he desires to do so.

Mr. FULLER of Massachusetts. I yield.

Mr. LUNN. Will the gentleman from Massachusetts yield?

Mr. FULLER of Massachusetts. I will; yes.

Mr. LUNN. I do not know how far I can proceed by the gentleman yielding. Was it simply for a question?

The SPEAKER. That is all he yielded for.

Mr. FULLER of Massachusetts. I would like to yield to the gentleman from New York and allow him such time as he desires.

Mr. LUNN. I wanted simply to say this, Mr. Speaker, that I also am a new Member, and I want to feel that the House is always fair. I am sure that it endeavors always to be fair, but as I heard the speech made by the gentleman from Texas I received an entirely different impression than I received from the letter which has just been read by the gentleman from Massachusetts [Mr. FULLER]. It seems to me that in the light of the letter that there was but one charge made, and that in regard to committee dispositions, concerning which the gentleman stated that the House was inefficient and expensive, and so forth and so on; but if I remember aright, in my study of recent history there have been many legitimate criticisms of that kind. I do not believe, in the light of that letter, that the severe arraignment of the Member was justified. It was too sweeping to be fair. I know the House desires to be fair, and for that reason I have made this statement. I am decidedly opposed to any Member bringing wholesale condemnations against the Congress of the United States. It is too important a body. Its influence ought to be tremendous, and it is tremendous, and anything that leads the people at large to feel that we are not doing the right thing is unfortunate. But I do think we would be unfair by allowing the speech by the gentleman from Texas to go without protest from any Member. [Applause.]

The SPEAKER. The gentleman from Massachusetts will proceed.

Mr. FULLER of Massachusetts. Mr. Speaker, I have nothing further to say.

The SPEAKER. This is Calendar Wednesday.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GILLET. On what subject?

Mr. WALSH. Reserving the right to object—

Mr. HASTINGS. On this same subject. I am chairman of the Committee on Expenditures in the Interior Department.

Mr. KEARNS. I object.

The SPEAKER. The gentleman from Ohio objects.

LEAVE TO PRINT.

Mr. BRITTEN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. BRITTEN. To ask unanimous consent to extend in the Record the report of the proceedings of the Interparliamentary Union, which took place yesterday in the House Office Building, at which the gentleman from Texas [Mr. SLAYDEN] presided.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert in the Record the report of the proceedings of the Interparliamentary Union held in the House Office Building yesterday, over which Congressman SLAYDEN presided. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, will the gentleman from Illinois kindly withhold that or withdraw that for a moment? I am interested in the subject, and I would like to see what it is.

The SPEAKER. Does the gentleman from Illinois withdraw it?

Mr. BRITTEN. Yes; I will.

The SPEAKER. This is Calendar Wednesday.

Mr. TREADWAY rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. TREADWAY. I ask to proceed for two minutes relative to a statement of the amount of war-risk insurance.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes relative to a statement in regard to war insurance. Is there objection?

Mr. BURNETT. Mr. Speaker, I must object.

CALENDAR WEDNESDAY.

The SPEAKER. The gentleman from Alabama objects. This is Calendar Wednesday, and under a special order the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Mr. BRITTEN. Mr. Speaker, one moment, before that motion is carried out. I think the gentleman from Minnesota [Mr. MILLER] has withdrawn any objection he might have to my request.

The SPEAKER. Is there objection?

There was no objection.

ALIEN-SLACKER BILL.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5667, the alien-slacker bill, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 3. That after 30 days from the passage of this act no alien who is a native or subject of any country that is engaged in the war with Germany, or with any of the central powers of Europe and who is subject to military duty in the country of his nativity or of which he is a subject, shall be permitted to enter the United States except by permission of the President of the United States, and any such alien so entering in violation of this section shall be deemed unlawfully in this country and shall be deported at the expense of the steamship company, railroad company, or other transportation company by which such alien entered the United States. Any steamship company, railroad company, or other transportation company of any nature whatsoever, or any individual who brings in or aids or assists in bringing in any alien excluded by this section shall be fined not less than \$1,000 or by imprisonment for not exceeding one year, or both such fine and imprisonment, and any steamship or other water transportation company against which this fine is assessed shall not be granted clearance papers until such fine is paid or secured in such manner as the Secretary of Labor shall prescribe.

The Secretary of Labor is empowered to hear and pass on all violations of this section and to assess and collect the fine provided herein, and to adopt such rules and regulations as may be necessary to carry out the provisions of this section.

Mr. BURNETT. Mr. Chairman, I have an amendment that I desire to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Mr. BURNETT offers the following amendment: Amend by striking out all after the words "United States," in line 14, page 3, down to and including the word "section," in line 3, page 4, and insert in lieu thereof the following:

"That it shall be unlawful for any steamship, railroad, or other transportation company of any nature whatsoever, or for any person, company or corporation, to bring in, or to aid or assist in bringing in, any alien included by this section. If it shall appear to the satisfaction of the Secretary of Labor that any steamship or any vessel or any officer or employee thereof has violated any provision of this section, such violator shall pay to the collector of customs of the district in which the port of arrival is located the sum of \$1,000 for each and every such violation, and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded. If a violator is a person, company, or corporation not using vessels as means of transportation, there shall be forfeited and paid for every such offense the sum of \$1,000, which may be sued for and recovered by the United States as debts of like amount are now recovered in the courts of the United States."

Mr. BURNETT. Mr. Chairman, the purpose of section 2, beginning on line 14, page 3, is to penalize steamship and other transportation companies for bringing in those who are excluded by the first part of the section. It was thought that perhaps the penalties could not be enforced by the Labor Department, and an amendment was suggested by that department that would make it workable. It imposes a penalty of \$1,000 for those violating the law, to be recovered in the courts of the country in the way that such sums are usually recovered against transportation companies and individuals who violate the immigration law. In case of steamship companies that are given clearance papers they are held up until they pay this penalty. That is all this amendment is. It is merely for the purpose of perfecting and carrying out those provisions better than the bill as it now stands does.

Mr. ROBBINS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BURNETT. Yes.

Mr. ROBBINS. As I understand it, it takes away the penal laws entirely and relegates the remedy to a civil suit for the penalty?

Mr. BURNETT. That is true as to individuals and transportation companies, except steamship companies, and their clearance papers are withheld. The idea of this is that with these severe penalties the Department of Labor would perhaps not have the power to impose them. There is a fixed penalty. They can impose that penalty on steamship companies; but suppose it is a transportation company that runs across to Canada, or suppose it is an individual running a bus line. The Department of Labor could not enforce the penalty on them and they could not hold up the transportation line, and therefore they are allowed to bring civil suits for the recovery of the penalty. The imprisonment feature is cut out.

Mr. ROBBINS. May I further interrogate the chairman of the committee?

Mr. BURNETT. Yes.

Mr. ROBBINS. Does the gentleman think that would be a practical remedy to correct the evil?

Mr. BURNETT. A thousand dollars penalty for each person they bring in, I think, would be sufficiently practical.

Mr. ROBBINS. How can you enforce it on those who simply assist or aid in bringing immigrants from Canada across the line into the United States, or from Mexico? I think if you do not impose a penalty by imprisonment and fine, as in the case of any other Federal statute, you are going to strike out the means of enforcing this law.

Mr. BURNETT. The Department of Labor, in recommending the amendment, says this policy has worked well in the enforcement of the immigration laws across the border, as well as across the sea.

Mr. ROBBINS. I think it will work very well against steamship lines, where you can hold up the steamship in the port and refuse to issue clearance papers; but against the railroads that run into Mexico and Canada, and against the underground methods that are pursued to get immigrants across the line, and to avoid the regular ports of inspection, I think your bill is going to be weak, and the enforcement of it is going to be futile unless you have the teeth of a criminal statute and the right to prosecute in the criminal courts of the United States.

Mr. BURNETT. The department says this provision in regard to crossing the line from Mexico and Canada has worked well, and they recommend it in this bill for that reason.

Mr. FLOOD. Mr. Chairman, on the 6th of this month, and again on the 13th, when this bill was before the House, I opposed its consideration on the ground that it violated existing treaties between this country and some of our cobelligerents, particularly with Italy, and that its passage through the House would obstruct the negotiation of treaties which the Secretary of State was in process of concluding with England, for herself

and Canada, and with Italy and France. Two weeks ago, on the 13th, the matter was postponed until to-day on account of the statement I made with reference to this and the letter I read from the Secretary of State. I desire to communicate to the House the progress that has been made by the Secretary of State by reading a letter that I received from him yesterday:

THE SECRETARY OF STATE,
Washington, February 25, 1918.

MY DEAR MR. FLOOD: Referring to the negotiations which the department is carrying on with certain of our cobelligerents regarding military service conventions, I desire to state for your information that on Tuesday last I signed with the British representative two conventions, one for Great Britain and one for Canada, and that I am now in receipt of telegrams from the American ambassadors at Rome and Paris practically accepting with a few minor changes the proposal of the United States to enter into similar conventions with Italy and France. I am not expecting that any serious obstacle will be placed in the way of early signature to these conventions.

Very sincerely, yours,

ROBERT LANSING.

HON. HENRY D. FLOOD,
House of Representatives.

Mr. Chairman, the Secretary of State was very appreciative of the action of the House taken two weeks ago in postponing the consideration of this matter until to-day to enable him to conclude these negotiations. I am justified in stating that while the Secretary of State thinks that this matter should be dealt with by negotiation with our cobelligerent Governments and not by legislation by Congress, that officials of the State Department feel that the purpose the Secretary had in asking the delay has been practically accomplished, and I do not believe that action by the House now will interfere with the conclusion of the treaties with the most important of our cobelligerents. The treaties with Great Britain and Canada were sent to the Senate on the 19th, and those with France and Italy have reached a practical conclusion.

Mr. SLAYDEN. Do I understand the gentleman to say that action of the House will not interfere with them?

Mr. FLOOD. I stated that was my opinion. The Secretary stated in the letter I have just read that he was in receipt of telegrams from our ambassadors at Rome and Paris practically accepting the American terms of the treaties by Italy and France. A few minor changes may be made, but the treaties are practically agreed upon, so action by the House to-day would not be considered by those three nations as violative of the comity that should be maintained between friendly and allied nations.

Mr. FOSS. I want to ask the gentleman whether or not the State Department approves of this bill as now amended?

Mr. FLOOD. The State Department does not approve of this bill, either in substance or form, but the official with whom I talked thought that the negotiation of the convention had proceeded so far that the passage of the bill would not prevent their conclusion.

Mr. FOSS. Has the State Department any objection to it?

Mr. FLOOD. It has various objections to the bill, to the form in which it is drawn, to the subject with which it deals, and to the fact that it violates treaty obligations, but the purpose that the Secretary of State had in view in asking a postponement was that the passage of this bill by the House might not interfere with the negotiation of the treaties that were then in progress. If the bill had passed two weeks ago that would have been the result. That is not the case now, and the real object the State Department had in asking for a postponement has been attained.

For myself, I stated to the House two weeks ago that if the bill was postponed until to-day—the time asked for by the Secretary of State—that I would content myself with voting against it. I want to add now that I shall vote for the Rogers amendment, because it carries a simple declaration that this House will not pass a measure that violates a treaty obligation. If the Rogers amendment is adopted I shall vote for the bill, not that I think it will ever become a law, but as an expression of my sentiments on the subject dealt with in the bill. If the Rogers amendment is defeated I will vote against the bill, because I believe it violates treaties we have with some of the nations with which we are associated in this war, and I do not intend to cast a vote to violate or disregard or to make a scrap of paper of solemn treaties of our Government.

Mr. WALDOW. Does not the gentleman believe the Rogers amendment ought to be retained in this bill?

Mr. FLOOD. I do believe so.

Mr. WALSH. Has the gentleman any information as to whether any treaty negotiations are under way with Portugal?

Mr. FLOOD. I have not. The important negotiations were with Great Britain in reference to British subjects, and a separate treaty with reference to Canadian subjects, and with Italy and France.

Mr. WALSH. Portugal is in this war, is it not?

Mr. FLOOD. Yes; but nearly the whole world is at war.

Mr. ROGERS. There are about 18 powers, are there not, which are making common cause against Germany to-day? My information is that the State Department intends to negotiate treaties with every one of these 18 powers, but it thinks very naturally that its best course is to begin with the nations the populations of which in this country make them the most important.

Mr. FLOOD. The nationals in this country of many of these nations do not make it a matter of importance to us or to them.

Mr. SLAYDEN. Am I correct in having gathered from the gentleman's statement a few minutes ago that these negotiations with Great Britain, with Canada, with Italy, and with France have advanced so far that the department is now indifferent as to what we do in this bill, because it will not interfere at all?

Mr. FLOOD. That it will not interfere with the negotiations of these conventions.

Mr. SLAYDEN. Have the British and Canadian treaties reached the Senate?

Mr. FLOOD. Yes; on the 19th.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. SLAYDEN. Has the Canadian treaty been sent to the Senate?

Mr. FLOOD. On the 19th.

Mr. SLAYDEN. Have these treaties been acted on?

Mr. FLOOD. They have not. I understood that the Senate Committee on Foreign Relations would have a meeting this morning to consider them.

Mr. HUDDLESTON. The treaties necessarily provide what nationals of these countries may be put in our Armies and how they may be dealt with. Can the gentleman then see any field for the operation of any bill on the subject? Whatever we do must be done under these treaties after they have been negotiated.

Mr. FLOOD. I think the gentleman is right so far as nationals of the nations are concerned with whom we have negotiated these treaties. They constitute the bulk of the aliens in this country who will be affected by this legislation. I can see very little need for this legislation.

Mr. HUDDLESTON. Has the gentleman such information as enables him to know whether this bill is in accordance with the terms of these treaties that we have negotiated?

Mr. FLOOD. I was at the State Department, and the gentleman from Alabama [Mr. BURNETT] was with me. We discussed informally what the treaties were. I do not think there is anything in this bill that is in conflict with those treaties.

Mr. HUDDLESTON. If we put those aliens into our Armies, it must be under the treaties and not under this bill.

Mr. FLOOD. I think that is undoubtedly correct.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes. Is there objection? There was no objection.

Mr. BURNETT. Mr. Chairman, in regard to the treaty, I have said over and over again that I have no desire to interfere with the State Department in its efforts to negotiate the treaties. I stated before that they began to negotiate treaties last August. It came on up to the time the bill was reported, and then the Chamberlain bill came over from the Senate, and I went before the Committee on Military Affairs, to which it was referred, and urged them to report it, so that it would be in time for the first draft. The Secretary of State appeared before the Military Affairs Committee of the House and made the same statement on the 26th day of September as to treaties being negotiated. The statement has been made time and time again that these treaties were pending, and that this bill would interfere with them. The Secretary told the Military Affairs Committee that by the 1st of December he thought they would have the treaties negotiated. That committee deferred action on the Chamberlain bill, and I stated then that neither I nor my committee had any pride of authorship in the bill, but what we wanted was to get speedy results.

The State Department is still engaged on some of the treaties. I am not making any reflection on that department; I think the other countries have been mighty slow in this work. The gentleman from Virginia [Mr. Flood] has done all he could, and I have no reflection to make on him. On the 30th of last month, when this matter was first called up, the gentleman from Virginia [Mr. Flood] stated about what he has stated to-day as to the treaties with Italy and France.

Mr. FLOOD. Oh, no.

Mr. BURNETT. What the gentleman said to-day he said substantially then, that he had been called up by the Solicitor of the State Department and told that not only had an agreement between Great Britain and Canada been concluded, but that our Government was almost in agreement with France and Italy.

That is substantially the same statement that he makes here to-day.

Mr. FLOOD. No; the statement to-day goes further than that. They have just received a telegram from the ambassador at Rome and the ambassador at Paris that there has been an agreement. There have been some verbal changes like there was in the British treaty. As I stated to the gentleman, the situation in reference to the French and Italian treaties is about the same as that of the British and Canadian treaties two weeks ago, that there were some verbal changes to be made. They completed them and sent them to the Senate on the 13th of February. I expect in a few days the Italian and French treaties will be sent to the Senate.

Mr. BURNETT. That is the point I make, that they had concluded the treaty with England and Canada, and now, 30 days after the conclusion of the treaty, they have just got it to the Senate, and the Senate committee is to-day to meet for the first time to consider it. What do we know as to what will become of it in the Senate? The gentleman stated, and no doubt correctly, a month ago that the conscription of the subjects of Great Britain and Canada between 20 and 40 years of age had been agreed on. This treaty will not be self-executing, and will require additional legislation to carry it out and enforce it. You are going to find that you must have legislation to execute it. Such legislation will require time. If it takes 30 days more to get through a treaty with Italy and with France, that carries us up to the 1st of April.

Mr. FLOOD. May I interrupt the gentleman?

Mr. BURNETT. Yes.

Mr. FLOOD. I will say that the information I got was that the treaties were drawn so as to be self-executing in this country, and as to the young manhood of other countries, and there will not have to be other legislation. We will take into our draft any nationals of those countries between the age of 20 and 40 years.

Mr. BURNETT. It seems to me the gentleman is mistaken and the State Department is mistaken if they think the treaties are self-executing. As much so as they are when they say that this bill is in violation of treaties. It is not. In the One hundred and thirtieth United States, in the Chinese-exclusion case, where this very question was raised, the Supreme Court of the United States said:

The power of exclusion of foreigners being an incident of sovereignty belonging to the Government of the United States, as a part of those sovereign powers delegated by the Constitution the right to its exercise at any time when, in the judgment of the Government, the interests of the country require it, can not be granted away or restrained on behalf of anyone. The powers of government are delegated in trust to the United States and are incapable of transfer to any other parties. They can not be abandoned or surrendered. Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. JOHNSON of Washington. Does the gentleman contend that that applies to the taking into the military service of the nationals of countries having a treaty with the United States which states that the nationals shall not be taken into our Army?

Mr. BURNETT. The gentleman does not remember the terms of this bill. The Chinese case was one of deportation. That is what our bill is. We have all the time, in this bill, avoided any interference with the obligations of a treaty. We only say to an alien subject of a cobelligerent country, "If you are a shirker, a dodger, a slacker, if you will not fight for the very existence of your own country, you are undesirable in this country; get out right now." [Applause.]

Mr. FLOOD. Mr. Chairman, it was never contended on this floor by any gentleman who opposes this bill that this Government does not have control of the question of deportation, and therefore the case cited by the gentleman is no answer to our argument. The contention is that we have a specific treaty with Italy and with other countries that prevented us from compelling the nationals of those countries to render military service of any kind to this country, and that this bill contains a moral and a physical compulsion to render military service—a moral compulsion by the denial of the right to become a citizen; a physical compulsion by deportation. The compulsion is not direct, not open and manly, but, nevertheless, it is a compulsory military service in violation of our treaty with Italy of 1871 and in violation of treaties with other nations. I think this

proposition is clear, and no subtlety of reasoning can change it. This is the opinion of the Secretary of State and his legal adviser, and I believe it would be so held by any court in the world, especially by our courts, in view of the construction put upon it by our State Department. Now, I want to say, Mr. Chairman, that I am not raising the slightest objection to the passage of this bill. I reserved two weeks ago my right to vote as I see fit, but otherwise I agreed then not to oppose it, and I am not now opposing it; but I can not allow the gentleman's contention in reference to the violation of a treaty to go by without making this statement.

Mr. BURNETT. Mr. Chairman, the gentleman from Virginia [Mr. FLOOD], in his remarks a while ago in reply to questions propounded to him, launched into the question as to whether this bill violates a treaty, and I will answer his argument. My contention is that it violates no treaty with any country. The right to deport undesirable aliens, as I have often said during the consideration of this bill, is inherent in the very sovereignty of our Government and could not be contracted or bartered away by any treaty. The gentleman from Massachusetts [Mr. ROGERS], who offered the amendment the other day, admitted that he did not believe it was in violation of a treaty, and yet he does the inconsistent thing of asking this House to adopt his amendment which would, in effect, submit that question to the State Department. He says in one breath that it violates no treaty, and in the next says he is willing to leave that vital question to an unfriendly court.

That is the ridiculous attitude that the Rogers amendment would place us in, and the gentleman who offered it, who, perhaps, has occupied as many pages of New England newspapers as any man in favor of this proposition of dealing with alien slackers. Of course, the legal questions involved would be decided by the courts, but who will be the primary advisor of Gen. Crowder? Who will be the advisor of the War Department on these questions? Certainly the State Department. The gentleman from Virginia [Mr. FLOOD] and the gentleman from Massachusetts [Mr. ROGERS] admitted that the State Department would be the one that would advise in regard to it, and yet the gentleman from Massachusetts [Mr. ROGERS] tells us that while he does not believe it is in violation of a treaty, he wants to refer it to a judge who has already prejudged the case.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GARD. I wanted to ask, after the gentleman has read what he has from the decision of the Supreme Court, whether he has any information that the present treaties, so far as they have been concluded, will be invaded by the passage of the law which the gentleman now proposes?

Mr. BURNETT. I am glad the gentleman has asked that. The treaties now pending?

Mr. GARD. Yes.

Mr. BURNETT. Mr. Chairman, I think not. Here is my contention and my earnestness in regard to this matter—

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. HUDDLESTON. I want to find out what the gentleman knows about the treaties. I have been trying to find out something about them. They have not been given to the public, and I do not see how anyone can know what they are.

Mr. BURNETT. That is true, but the gentleman from Virginia [Mr. FLOOD], in his statement three or four weeks ago in this House, and no doubt he had authority from the State Department, gave some important facts in regard to the treaties to which I have called attention. For instance, in regard to the age limit; and if my colleague from Alabama, Mr. HUDDLESTON, will read the gentleman's speech in the RECORD, either on the 6th or the 13th of this month, he will find the statement, which, I have no doubt, the gentleman from Virginia was authorized to make to this body.

Mr. Chairman, I have all the time desired that the State Department should negotiate its treaties, and we have been waiting now for six or eight months for them to do so. Last Wednesday, after a conference with the gentleman from Virginia [Mr. FLOOD] and the Secretary of State, I thought perhaps there was a possibility of their being concluded and ratified by this time, and I did not make any resistance to letting the matter go over until to-day. But now the matter comes up and what do we find? The Senate adjourned last Saturday and was not in session at all. Why could they not have continued their session or at least the committee have acted upon these treaties? It was my purpose if the treaties had reached a state of confirmation by this time, if I could be assured that they were self-executing, to have offered as an amendment to section 1 that it should not interfere with treaties that had been consummated providing for conscription of aliens.

But the time is coming and coming mighty soon when there will be another call for our young men to answer the draft, and my anxiety and earnestness is, like that of other gentlemen who have been pressing this matter, that these slackers shall not be permitted again when the next call comes to sit back and say, "Me no fight; me take your job, you go fight." We not only represent native-born Americans in our efforts to rid the country of the cowardly alien slacker but naturalized Germans and naturalized people from other countries, who have been responding to this call to arms. Many naturalized aliens have volunteered into our armies to fight against their own flesh and blood. Perhaps you gentlemen received a circular from an Irish gentleman a short time ago, in which he analyzed the statement of Gen. Crowder, which shows that more of the Irish waived exemption than any other nationality, that the lowest in point of numbers of those who waived exemption were the Italians, and the British were away down the line, also. People from Canada and from England were claiming exemptions, while the good old Irishman was not. I refer, of course, to people who are not naturalized and who have the right to claim exemption under our laws.

Mr. FLOOD. The gentleman's bill will get the Irishman.

Mr. BURNETT. Of course. The argument that was made in the circular just referred to was that England ought not to treat with us, and that we ought not to treat with them to conscript their people here, because Australia twice has repudiated conscription, because under the English conscript laws the Irish are exempted, and that therefore England ought not to barter away the rights that they would have in Ireland and in Australia. But my bill says to the Australian and to the Irishman, "You are here under the Stars and Stripes, you are here enjoying the blessings of our great country, we believe that you ought to waive your right to exemption from conscription, and if you do not, you ought not to stay here among your brothers and fellows who are being called." [Applause.]

I know many naturalized Germans and Austrians who are to-day following the Stars and Stripes into the trenches of France and Flanders. Before we entered the war the hearts of those people no doubt beat in sympathy with the fatherland, but the very day we declared war they said, "I am now with the country to which I swore allegiance when I became an American citizen." I know a young Jewish gentleman in my own home town, a native of Germany, who, when the classification for the draft was going on, said, "I have a little property from which my wife and babies can draw a support if I am called, and I shall not ask to be placed in the fourth class, but am willing to go to the second class, where men with families not dependent on them are being placed." This he did, while Italians and Englishmen all around him were claiming exemptions from the draft, and refusing to fight for the very existence of their own countries. This he did also when many native Americans, who were loudest in their demand for war were hiding behind dependent families to escape the draft.

Mr. Chairman, I am not opposing the treaties, but I am showing that if we wait for treaties that are not self-executing, perhaps the ideas of November will come before we will get anything that will carry these aliens either out of our country or into our armies.

Mr. GARD. If the gentleman will permit, I do not like to be insistent, but I am sure that I, and I know many Members, would like to know whether these treaties as concluded will be at all in conflict with the gentleman's bill.

Mr. BURNETT. I think not; and not only that, Mr. Chairman, but the Senate when this bill passes this House will have the treaties and the bill both, and they can properly amend them so as to make them conform if there should be any conflict. I do not want to clash with the State Department. I would rather they would handle it; but, Mr. Chairman, I do not want to see the time come when the call is made and our men have to go and these cowardly aliens escape because the treaties have not been ratified and put into execution. Gentlemen hug to their hearts the danger of violating some treaty with the devotion that a young mother hugs to her breast her first-born babe, and yet some of these same gentlemen last year voted for a bill—the conscription bill—in which there was a violation of the very treaties that they now invoke. Yesterday there was a bill reported from the House Committee on Military Affairs to repeal the provision in the draft bill passed last year to conscript aliens with first papers. We had no more right, under our treaties, to conscript those with first papers than we had to conscript any other alien, and yet some of these gentlemen who are now shouting to observe the treaties never thought then that they ought to protect the treaty rights of the man who had made his first declaration and had at least lifted one eye to the Stars and Stripes. Now, when we come with this bill and say that the man who has always had his eyes

focused upon the ground, and never lifted them to the Stars and Stripes, should either fight or get out, these gentlemen hug a treaty to their hearts and say wait till the State Department can possibly, at some future time, get an agreement with those countries.

That is what you are really up against. It is not so serious in the South, although Gen. Crowder shows that in the next classification 433,000 men can be reached, if they do not escape on the ground of alienage. How many farmer boys would that enable us to keep at home if we could call this 433,000 aliens to the colors? In that respect the boys of the South, as well as those of the North, are interested. Gentlemen, when you go back home and when the next draft is called and you see the fond mother as she bids good-by to her devoted boy, bids him Godspeed because the laws of the country take him, and then she turns and sees the alien, who is exempted, with gleeful eyes and with ghoulish grin say, "I get that boy's job to-morrow," can you look with satisfaction on a condition that by your vote you have helped to continue?

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BURNETT. I do.

Mr. JOHNSON of Washington. The gentleman says he hopes these aliens will be in our Army before fall?

Mr. BURNETT. Which ones?

Mr. JOHNSON of Washington. These aliens in the United States who are to be subjected to draft or deportation under this bill.

Mr. BURNETT. If they are not in our Army I hope they will be well on their way somewhere else. [Applause.]

Mr. JOHNSON of Washington. Now, let me ask the gentleman: Suppose we put into our Army an alien who has not taken out his first papers or declared any form of allegiance to the United States; that while in our Army he assassinates a general of the Army of the United States; that we then subject him to military trial and death. What is our relation with his country?

Mr. BURNETT. Well, if he waives his exemption we get him anyhow just the same under the draft law which the gentleman voted for.

Mr. JOHNSON of Washington. Only last Saturday a conspiracy was discovered in a cantonment out in the district which I have the honor to represent, the details of which are not entirely given out, but enough to show that a conspiracy was on foot with some of these first-paper men, and some others, to assassinate the officers of the United States Army in charge of that cantonment and other work of that kind.

Mr. BURNETT. The gentleman, then, would be opposed to the new treaties also, because, according to his view, they ought to stay here and take the wages from the men who do go, and if they would murder a general in the field, they would not hesitate to murder the wife and children of a soldier left behind.

Mr. JOHNSON of Washington. Oh, no; I do not say that.

Mr. BURNETT. You let him stay and escape everything, and carry on his work of destruction and of murder here. I say at least send him where he can not ply his fiendish trade among the defenseless people left here at home.

Gentlemen, the country demands this law. A long-suffering people endured the presence of these alien slackers through one draft, and in the name of right and justice do not let them have to pass through those scenes again. A workingman in Alabama City, a beautiful little cotton-mill town near my home, told me that when the tocsin of war sounded last year his son-in-law felt it his patriotic duty to respond to the call, and is now in the trenches "somewhere in France," and that a few days afterwards an alien slacker got his job.

The only protest that I have had against this bill outside of official Washington was by a manufacturing establishment in Philadelphia, and the argument made in that letter was that they needed the labor of these aliens. I replied by suggesting that they keep some American boys home to work in their industries and let some of the alien slackers go and fight in their stead.

One or two gentlemen in this debate have made the same insistence as to the need of labor. Gentlemen, let us not weigh the blood of American boys in the scales against sordid wealth. Let us not measure the bleeding hearts of American mothers with a dollar mark. Let us think about those of our own flesh and blood. "He that provideth not for those of his own household is worse than an infidel."

The men and women of my district are just as patriotic as any beneath the sun, but they would deem me unworthy of the commission that they have kept in my hands for these 20 years were I to sit idly by and see our young men taken from their homes to fight and die in foreign lands while cowardly

aliens fill their pockets here in security, far from the cannon's rattle. It is no pleasant duty for me to press this bill against the wishes of the President and the Secretary of State. But, gentlemen, a brave constituency has not sent me here to be the rubber stamp of any man or of any department.

If we as representatives of the people are to be mere automatons and have no right to act and vote as our convictions of duty lead us, then we had better abolish Congress and admit to our constituents that they have no use for us here.

Any man who comes here or declares his intention to come here to be a mere tool in the hands of anybody is unfit to represent a brave and honest people. So long as my people intrust me with their commission I expect to try to protect their best interests; to act for them, with the fear of God and the love of those whose servant I am as my guiding star. I can do no more; I will do no less. [Applause.] In this fight that I have been making for our young manhood I have been comforted and encouraged by many expressions of approval from all over our broad land. I will insert one letter from a representative of one of the patriotic organizations of the land. This is only a sample of hundreds of others of a similar tenor that I have received. I will also insert a portion of a splendid article written to the New York American by John Temple Graves, one of my long-ago Georgia friends.

Mr. Chairman, I voted against war and against conscription, and I have no apologies to make for either of those votes. But we are now in the war, and it is the patriotic duty of every true American to help to win it.

We now have conscription. I have advised my people to obey the law, and they have; but it makes my blood boil to see cowardly aliens who have not thought enough of American liberty and American opportunity to try to become American citizens take advantage of that very fact, while my constituents are called from homes and loved ones to fight and perhaps to die, not only for America but for the very existence of the countries of those renegades and slackers.

PENNSYLVANIA STATE CAMP,
PATRIOTIC ORDER SONS OF AMERICA,
Philadelphia, Pa., February 21, 1918.

HON. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.

DEAR MR. BURNETT: May I, on behalf of the 120,000 native-born members of the Patriotic Order Sons of America of Pennsylvania, which in two days last May furnished over 2,000 trained recruits in Scranton, Pa., to the United States Army, and who to-day has many over 10,000 of its members fighting for the democracy of mankind, commend you for the splendid fight you are making in pressing for passage your alien slacker bill?

We are aware of the opposition you are encountering. At our State meeting last August, with close to 1,200 delegates in attendance, the principle of your bill was considered and unanimously indorsed. Similar action was taken at our national camp meeting in Chicago the following month.

It appears to me that the day has arrived when "America should be for Americans," either native born or those who come to our shores with the idea of becoming American citizens and living up to the principles and ideals of American institutions.

It is difficult to understand why any of our allies should object to such legislation, for it merely proposes to treat, with the liberal option of departures, foreign-born aliens as we have already, months ago, treated our own native born by the conscription act. That act specifically applies to aliens who have taken out their first papers, but I understand in administration is not being applied to such aliens because of treaties. Members of Congress who voted for that law, regardless of treaties, are now opposing this slacker bill of yours because of treaties.

It is our contention that if there are any treaties that stand in the way of the pending bill such treaties ought to be abrogated as the treaty with Russia was abrogated several years ago and as our treaties of peace were abrogated by a declaration of war last April, in order that justice may be done to our own, as we would have it done to the whole of mankind. As a matter of fact, is such abrogation necessary? Do not foreign countries, in making treaties with the President and the United States Senate find in our Constitution, which defines the treaty-making power, a clear-cut description of Congress's legislative power? And can they object to Congress treating their aliens, who are using this country as a "slacker's haven," precisely as we treat our own native born? One may justly ask if any nation which so construes a treaty and insists that their physically fit citizens of military age and of like condition shall stay in this country in good jobs, while our own native born are sent to their territory to defend it from further invasion and to fight to make the world safe for democracy and democracy safe for the world, is worth having treaties with. It is for this reason that we strenuously object to the Rogers amendment. This is a time in our opinion when the men we honor in Congress should demonstrate to the world that we stand four square for justice to mankind and a "square deal" to our own native born and our naturalized.

The fact that Great Britain has just made a treaty with us agreeing to the principle of your bill in a way shows that you and your committee were right in reporting the measure favorably to the House last summer, and that no nation could justly object to such important legislation.

I want to extend to you our hearty and sincere appreciation for the splendid stand you have taken on this patriotic proposition, and our earnest prayer is that patriots such as you may increase in number in Congress.

For America and American principles first, last, and forever,
Sincerely and fraternally, yours,

C. B. HELMS, State Secretary.

[From the New York American.]

DEMANDS FOR SLACKER LAW GO UNHEEDED—MYSTERIOUS DELAY IN BILL THAT WOULD SEND 1,000,000 ALIENS TO FRANCE IS INEXPLICABLE—MEASURE STAYS BEFORE CONGRESS 10 MONTHS, AND EVEN NOW IS RECEIVING LITTLE ATTENTION.

(By John Temple Graves.)

WASHINGTON, February 22.

The delay in the presentation and expedition of the alien-slacker bill is one of the distinct mysteries in the legislative and executive branches of the Government and of the present Congress.

In the mightiest war in which our country ever has been engaged or ever will be engaged, and with a steady and increasing clamor among our allies and our own Military Establishment for an ever-increasing man power it is utterly impossible to understand the procrastination and delay which has wrapped itself about a measure practically designed to gather and send to the French front somewhere between 750,000 and 1,000,000 men who ought by every right to be there.

It is a fact that no other legislation of nearly equal importance, of such self-evident justice, and of such vital necessity to the war in Europe has had anything approximating the delay, the apparent indifference, and the incomprehensible procrastination which has wrapped itself about this measure.

NEWSPAPERS FAVOR BILL.

Six weeks after the war began and in the latter part of May the Hearst newspapers, in voicing a simple and general demand of the friends of the American soldier, of our conscript army, and of our allied troops upon the western front of Europe, urged and at frequent intervals continued to urge the rounding up of the million or more of alien slackers who had taken refuge in this country to escape the duty and danger of serving their own countries in the vital emergencies of this war.

Other newspapers took up the appeal, and public opinion, through thousands of voices of parents and friends of the American Army, fervently indorsed the cry to the American Legislature and to the departments to speed the effort to gather and forward these alien slackers to the front—for the sake of their own nations who were our allies and friends and for the purpose of diminishing in some degree the numbers of our own men whose blood and life were being freely offered upon the battle fields of Europe.

From first to last this matter, the importance of which cried aloud to the common sense and humanity of the American people, has been treated with an apathy, with a delay, and with an apparent indifference which no American has been able to understand.

To-day, 10 months after the declaration of the war, the alien-slacker bill is still in the air, with no definite period fixed for its consideration, except in the House, where Congressman BURNETT, of Alabama, has succeeded after consistent and commendable energy in forcing a bill for consideration on Wednesday of next week.

AGREEMENT REACHED.

It was stated some months ago the State Department had requested a delay in the consideration of the measure to give time for diplomatic negotiations with the other allied nations concerned in the matter and with whom our existing treaties presented some difficulties to positive action by this Government.

More than a week ago notice was sent to the Military Committees of both Houses that an agreement had been reached between Great Britain and Canada and the United States by which the alien slackers of these countries, numbering perhaps 400,000 fighting men, could be speedily rounded up and sent to the fighting fronts.

One would have thought, in view of the urgent clamor voiced on both sides of the sea, that every agency of both Governments would have been speeded to the limit to develop and utilize this magnificent addition of man power to what is universally conceded as the very crisis of the war.

But the fact is that with astonishing delay, both in the establishment of the agreement and in the action of the legislative body, the matter has simply been referred to committees in both Houses, an opportunity which it seems should have been swiftly and eagerly seized has been leisurely laid over, and probably will be reported some time during the next week, when as an emergency matter it should have been immediately reported and immediately acted upon.

NO CAUSE FOR DELAY.

I have been unable to find any explanation of the delay which satisfies my judgment of legislation or my interest in the war. With the utmost loyalty toward the Government and the administration and the greatest respect for the Senate and the House, I have been unable to discover any reason why Executive vigor and congressional vigor could not have facilitated long ago the diplomatic arrangements which would have concluded a matter in which all nations, including our own, are so vitally interested. I can not account for the technical and personal divisions which would justify Congress in delaying action upon a question which involved a considerable portion of a million man power to be added to the allies in their supreme need.

I am sure that the Hearst newspapers would wish me once more through their columns to protest against further delay and to appeal for expedition in this matter.

I am very sure that with this matter now at last in diplomatic shape in the hands of the present Congress, the two Houses of that Congress could do nothing more popular or more necessary than to speed up this as an emergency measure with all possible expedition through both branches of our National Assembly and send it without further delay for the signature of the President.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. I would like to ascertain what the parliamentary status of the bill is at the present time.

The CHAIRMAN. An amendment has been offered by the gentleman from Alabama to strike out and insert, page 3, in line 14, after the word "States," to the end of section 3, page 4, and insert an amendment that the Clerk has reported to the committee.

Mr. BANKHEAD. It is an amendment to section 3 of the bill?

The CHAIRMAN. Yes; to section 2. Section 3, by unanimous consent, has been changed to section 2. This is section 3 as printed in the bill, but it is now section 2. The gentleman from Alabama has concluded, the Chair supposes.

Mr. ROGERS. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] is recognized.

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I have said before when this bill was up for consideration that I favored it. I do not wish to be thought to be in the position of a Greek bearing gifts. I sincerely echo the sentiments which the gentleman from Alabama [Mr. BURNETT] has just voiced. I hope that this bill will speedily be passed and become law.

On two different occasions I have found on my desk in the morning a letter signed by the gentleman from Alabama, which I assume was sent to most Members of the House, in which he called upon Members to vote against the "vicious Rogers amendment." It is not entirely clear from the language whether he was characterizing the offer or the amendment, but I am willing to accept the gentleman's assurance that he was referring to the amendment and not to the author of the amendment. [Laughter.]

But, Mr. Chairman, let us see what this "vicious" amendment is, if we accept the construction of that phrase which I prefer. Let us see what iniquity is proposed in the "vicious Rogers amendment." My amendment is as follows:

Insert the following after the word "citizens," page 2, line 4:

"Provided, That this act shall not be construed to supersede the provisions of any existing treaty with such country, the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service."

Mr. Chairman, we have a treaty with Italy, made in 1871, and in force to-day, by which each country stipulates that it will not subject the subjects of the other residing within its borders to compulsory military service. Is it "vicious" to suggest that as a Nation we are in honor bound to observe the terms of that solemn covenant? I should expect that Von Tirpitz or Von Hindenberg would characterize my amendment as vicious, but I am very much surprised, I confess, to find that sentiment voiced by the gentleman from Alabama [Mr. BURNETT]. My amendment simply and solely proposes that we as a Nation shall keep our solemnly pledged word.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. KELLY of Pennsylvania. Does the gentleman from Massachusetts contend that this amendment in any way supercedes the treaties we have in force? Is there any necessity for the Rogers amendment?

Mr. ROGERS. I am frank to say that my judgment, after such study as I have been able to give the question, is that the Burnett bill is not in violation of the treaty with Italy or of any other existing treaty. In that respect the gentleman from Alabama was entirely correct in quoting me as thinking that the Burnett bill does not violate any treaty.

Mr. KELLY of Pennsylvania. Is there any necessity for the interpolation of this amendment?

Mr. ROGERS. I am not an international lawyer. I have not been intrusted by the President of the United States with the task of administering our foreign relations. That function has been put not upon me, not upon the gentleman from Alabama [Mr. BURNETT], but upon the Secretary of State and upon the Department of State. The Secretary of State has definitely and positively said that in his judgment the Burnett bill does violate the Italian treaty. If that is true, we ought in honor to retain my amendment, and thus to save the United States Congress from being open to the charge of having deliberately made the Italian treaty a "scrap of paper."

Mr. McCULLOCH. Is there any other reason why the gentleman believes we should give the Italian the benefit of the doubt?

Mr. ROGERS. We are not going to give the Italian the benefit of the doubt. We have made a treaty with Italy. That treaty is in force. There is a prescribed and orderly way by which we can proceed to abrogate that treaty. But we have not the right as an honorable Nation, which is appearing before the world as the exponent of the doctrine of the maintenance of treaties, to fly in the face of that treaty so long as it is in force. We can not as a Nation be a champion of the "scrap of paper" doctrine. We are at war at this moment with a nation because we can not trust her to observe the treaty obligations into which she has entered.

Mr. DOWELL. Does not the Secretary of State in the communication read here to-day approve of the bill that is now before the House for consideration?

Mr. ROGERS. The gentleman from Iowa knows, of course, that the amendment to which I have alluded, and of which I am the author, is already in the bill.

Mr. DOWELL. But without reference to that amendment?

Mr. FLOOD. No.

Mr. ROGERS. Perhaps the gentleman from Virginia [Mr. Flood], the chairman of the Committee on Foreign Affairs, who has talked with the Secretary of State, as I have not recently talked with him, can answer the question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. The Secretary of State simply says in his letter that the negotiations that were in progress in regard to these treaties had been practically concluded; two of them had been signed and sent to the Senate and the other two were almost entirely completed, with the exception of some minor changes. He did not approve the bill. But I want to ask the gentleman if I understand his position correctly. During the last two or three weeks we have been discussing this bill he has expressed himself as heartily in favor of it and did not concur in the view expressed that the bill violated the Italian and Japanese treaties, but yielded his judgment in that respect to the positive statement of the Secretary of State and his legal adviser that it did violate the Italian treaty. He does not want to put his country in the position of violating a treaty, where there is any doubt, and there must be doubt when our own State Department would have to decide against our position. Is that the gentleman's position? I think it is highly honorable and patriotic.

Mr. ROGERS. That is not exactly my position, but perhaps it approximates an accurate statement.

I think we must trust the State Department to administer the affairs of state. Now, the State Department has in a preliminary way, at least, expressed the opinion that this Burnett bill violates the Italian treaty. I do not think it does. I do not think it follows, when the question comes squarely before the State Department, when the State Department must consider the question and reach a decision, that it will itself adhere to its informal opinion. But my position is that we in this House must beyond peradventure exclude the possibility of violating our solemn troth. For that reason we must write into this bill a simple provision excluding any intent upon our part to break our given word.

Mr. BURNETT. Did not the gentleman vote for the draft bill, and did not we violate a treaty in regard to the drafting of aliens with first papers?

Mr. ROGERS. I voted for the draft bill, and the gentleman voted against it.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes; I yield to the gentleman.

Mr. KAHN. It is true there was a provision in the draft bill which violated some of our treaties, but the Committee on Military Affairs yesterday reported out a bill to correct that, so that we would not be in that invidious position.

Mr. BURNETT. What the gentleman from Massachusetts said is correct, and I stand on that.

Mr. ROGERS. I will say to the gentleman from Alabama that the international phase of the question was not presented to me and I do not recall that it was presented to the House last April or May, at the time the draft bill was before the House.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KEARNS. Is the Italian Government objecting to this bill on account of the fact that it is in contravention of some treaty that we have with Italy?

Mr. ROGERS. The chairman of the Committee on Foreign Affairs says that the Italian ambassador declares that this bill violates the treaty of 1871 between the United States and Italy. But the Italian Government has negotiated a treaty with England for the service in the armies of England of Italian subjects resident in England, and vice versa. There is no question that Italy is willing and indeed eager to enter into an agreement with us similar to that which she has entered into with Great Britain and which we have entered into with Great Britain and Canada. But she desires to do it in her own way. She will quite naturally deplore legislation by Congress which she says unblushingly contravenes a treaty with her, nearly 50 years old, and hitherto scrupulously regarded by both countries.

Mr. Chairman, if this Burnett bill does not violate any treaty, it can do no possible harm to state fairly and squarely that we propose to keep our plighted word. If the Burnett bill does violate a treaty, I have too great faith in the honor of the membership of this House to believe it will not indorse an amendment preventing any such Prussianism in our legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The debate on this section is exhausted.

Mr. SAUNDERS of Virginia. Mr. Chairman, if the debate is exhausted, how comes it the gentleman from Massachusetts got time?

The CHAIRMAN. By unanimous consent.

Mr. SAUNDERS of Virginia. I did not hear anything about unanimous consent, but I will ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman can move to strike out the last word.

Mr. SAUNDERS of Virginia. I will do that. I thought the chairman referred to some agreement. I move to strike out the last word in the amendment.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. SAUNDERS of Virginia. Mr. Chairman, there are two questions involved in the pending measure. One is a question of authority, or power, the other a question of propriety.

I think we are all agreed, whether we favor, or oppose this bill, that if it proposes in any wise to do anything that infringes a treaty, or is in derogation of our national honor, we are, one and all, opposed to it. With respect however to the question of power, I wish to take issue with the contention that has been advanced to the effect that we lack the authority to enact this legislation. In this connection I desire to say that should we chose to exercise our constitutional power—and I do not suggest for a moment that we should do this, if the propriety of its exercise is in doubt—it is perfectly competent for the Congress to avoid every existing treaty. The discussion upon this bill seems to have proceeded, for a time at least, upon the theory that if there is a valid subsisting treaty, we are powerless to take any steps in contravention of its provisions. Nothing could be further from the fact. Congress has the right to pass bills that relate to and provide for the common defense. It has the right to provide for the establishment and maintenance of armies and navies. Further, it has the right to take all the steps necessary to make effectual the powers specifically confided to it by the Constitution. Hence, when the Congress enacts a law in conformity with the Constitution, that law becomes paramount law.

Under the Constitution the President can negotiate a treaty. When that treaty is ratified by the Senate, that treaty becomes paramount law. Both laws are paramount, and if they happen to conflict, the one that is later in point of time, operates a repeal pro tanto of the prior enactment.

The inquiry has been propounded here to-day whether the bill under consideration will violate the treaties that are pending in the Senate. Why, of course not. Whatever may be enacted in the way of statute law, prior to the ratification of treaties negotiated by the Senate, and in conflict with the terms of those treaties will, immediately upon their ratification, be thereby abrogated. So that it is utterly impossible for us by any present action to violate a treaty which is inchoate, which is as yet in the womb of the future, and which, when ratified will thereby, by that very act, abrogate all antecedent and conflicting legislation.

But, Mr. Chairman, while it is perfectly true, as I said, that the Congress possesses ample authority to abrogate the treaty with Italy, without giving that country notice of our intention to that effect, I do not for a moment suggest such a course. As a matter of propriety and national honor, we should hold to the view which is the general view of the modern world, with one flagrant and odious exception, that treaties ought not to be regarded as "scraps of paper," but maintained as solemn and binding obligations. If there is anything in the proposed legislation that is in derogation of our treaty with Italy or of our treaties with any other country the way of our duty is manifest. With one voice this legislation should be rejected. But, Mr. Chairman, I wish to dissent in the most emphatic terms from a suggestion heretofore projected into this debate to the effect that this body should be controlled in its judgment of the constitutionality of pending legislation by the views entertained with respect to such legislation by the State, or any other department of the Government. We are a coordinate branch of the Government, and in connection with the enactment of laws, it is a part of our constitutional function to determine for ourselves whether acts under consideration are, or are not constitutional.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. MOORE of Pennsylvania. Suppose a treaty had been entered into with the usual good faith, which required six months' notice of intended abrogation, and we should pass a law in advance of that six months' notice. Would the gentleman regard that as an act of good faith toward another Government?

Mr. SAUNDERS of Virginia. Certainly not. As a matter of power, we could take such action. But I have just said that if there is anything in the pending bill that is in derogation of

any existing treaty, then as a matter of national honor, and high propriety, the bill should be rejected.

Mr. MOORE of Pennsylvania. In connection with the treaty with Russia, Congress did act but it gave notice that it intended to abrogate the treaty.

Mr. SAUNDERS of Virginia. Yes. That was the proper thing to do—and we did it, but we could have abrogated the treaty without any preliminary notice.

Mr. MOORE of Pennsylvania. Would not the State Department be put in the position of violating a treaty if this House were to pass a bill not in accordance with the treaty?

Mr. SAUNDERS of Virginia. But if this bill does not violate a treaty, how will its enactment put the State Department in the situation suggested by the gentleman's question?

Mr. MOORE of Pennsylvania. That is true if it does not violate the treaty; but the suggestion has been made that this bill does.

Mr. SAUNDERS of Virginia. I intend to discuss that suggestion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. I dissent in toto from the view that the suggestion by the Secretary of State, or the Secretary of the Interior, or the Secretary of any other department, that pending legislation is unconstitutional, should cause this body to abandon its own well-considered opinions, fold its hands, so to say, and discontinue its legislative activities on the subject under consideration. That would be a surrender of our proper constitutional function.

Mr. MADDEN. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I yield, Mr. Chairman.

Mr. MADDEN. What is the fact with respect to the terms of the treaty? Would this law in fact violate the terms of the treaty?

Mr. SAUNDERS of Virginia. No. I intend to discuss this question of suggested conflict, but preliminary to that discussion I wished to say a word or two with respect to what I deem to be the proper constitutional authority, and the appropriate action of this body when engaged in the enactment of legislation presenting constitutional, or other difficulties.

Mr. MOORE of Pennsylvania. That brings up the question that the gentleman from Illinois [Mr. MADDEN] has raised. Should not the bill include some notice that we intend to abrogate the treaty?

Mr. SAUNDERS of Virginia. Yes, if we proposed to abrogate a treaty.

Mr. MOORE of Pennsylvania. Rather than simply pass it without notice?

Mr. SAUNDERS of Virginia. But if we do not propose to abrogate a treaty, why should any notice be given? If we are perfectly clear that our legislation will not be in abrogation of a treaty, why should we discount the sincerity of our action by giving a notice that is proper to be given only when the abrogation of a treaty is in contemplation?

Mr. MOORE of Pennsylvania. Our treaty may say "We will give you six months' notice," but our bills says "We will give you no notice." That is the point.

Mr. SAUNDERS of Virginia. If we do propose to abrogate a treaty, why should we give a notice of abrogation? I deny that by this act we will violate any treaty, or moral obligation.

Mr. GALLIVAN. Have any of these other powers intimated that we are violating the treaty? Does the gentleman know whether they insist that we are likely to?

Mr. SAUNDERS of Virginia. I have heard it stated on the floor of the House that the Italian Government or some representative of that Government has intimated that the pending bill is in violation of our treaty with Italy.

Mr. GALLIVAN. But the gentleman does not know whether that is official or not.

Mr. SAUNDERS of Virginia. Pardon me, for a moment—I have wondered since hearing this statement whether it did not relate to the bill as it was originally reported, and not to the bill in its present form. The bill reported by the committee contained a provision for the conscription of aliens. Should we pass the bill with this provision included, it would clearly be in violation of the Italian treaty. Congress would have the authority to pass it, even in that form, but good faith and national honor forbid such action. The offending section has been stricken from the bill.

Mr. GALLIVAN. But the gentleman can not say with any certainty that any of these powers have intimated that the present act under consideration violates any treaty.

Mr. SAUNDERS of Virginia. I know nothing more than what has been stated on this floor. No protest from the Italian Government has been presented to this body or to the Senate, certainly so far as I am aware. The statement to which I referred was made in debate two weeks ago. I do not even know whether this statement could now be made, in view of the present form of the bill.

Mr. GALLIVAN. I notice that the chairman of the Committee on Foreign Affairs has just returned to the Chamber, and I hope he will answer the question which I have just put to the gentleman from Virginia.

Mr. SAUNDERS of Virginia. Now, Mr. Chairman, I stated a moment ago that if this House is sure of its ground and firmly of opinion that this legislation is constitutional and morally proper, it should not be deterred from action by difficulties suggested by the functionaries of another department. Should this body decline to take the action that its own judgment and conscience suggest, when confronted with the critical suggestions, and opposing views of officials in other branches of the Government, much wholesome legislation would remain unenacted. I well recall that when the Webb-Kenyon bill was before this body, the Attorney General of the United States pronounced that measure to be unconstitutional, and so advised the then President. Later that President vetoed the bill on the ground of unconstitutionality. In the exercise of our own proper authority, and fully persuaded that the bill was constitutional the Congress proceeded to pass the same over the President's veto. What was the sequel of that action? The Supreme Court sustained the constitutionality of the act in a decision of the most sweeping possible character, thereby fully vindicating the judgment of the Congress against the opposing view of the Attorney General and the President.

So much then for the suggestion that this body ought to hesitate to act, merely because an official, or officials at the departments maintain an opposing view upon questions that we are perfectly competent to determine. These preliminary remarks may serve to draw attention to the fact that on the question of the constitutionality of this bill, we should exercise our own judgment, and not be frightened away, or deterred from taking action on the suggestion that the Secretary of State differs with us with respect to the propriety and constitutionality of this legislation. We respect the judgment of the Secretary, but we must act on these high matters on our own judgment, and following the suggestions of our own consciences.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SAUNDERS of Virginia. I have been interrupted so much by questions that I will ask for 10 additional minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Returning to the discussion of the propriety of this bill it will be noted, on examination, that what the treaty with Italy denounces is the conscription of Italians in this country.

Mr. MADDEN. Will the gentleman yield there?

Mr. SAUNDERS of Virginia. Certainly.

Mr. MADDEN. While we are not providing for the conscription of the nationals of Italy in this bill, we are in effect doing that same thing, are we not?

Mr. SAUNDERS of Virginia. Not at all, but that is the very question I am now proposing to discuss, and which I have started several times to discuss, but from which I have been diverted by the questions which have been propounded. Looking, as I have said, to the treaty, it will be seen that it specifically provides against the conscription of the subjects of Italy in the United States. There is not a line of this bill in its present form which provides for conscription. It relates to a situation which, it is fair to say, neither of the contracting parties had in mind at the time the treaty was negotiated, and a situation therefore with respect to which the minds of the contracting parties never met.

Mr. GORDON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GORDON. Does not the joint resolution deal with the condition created by the conscription law, to wit, the status of men who have registered but pleaded their rights under the treaty; does not the joint resolution impose pains and penalties on men who plead their rights under that very treaty?

Mr. SAUNDERS of Virginia. Mr. Chairman, I will endeavor to answer this, and all other questions frankly and fully. As I

have said, the situation that now confronts us is one that was never fairly in contemplation by the parties to the treaty. We are at war, with Italy on our side. This war presents possibilities of far graver consequences to Italy, than to this country. Victory will mean more to that country than to the United States. Under war conditions we find hundreds of thousands of aliens in the United States, the subjects of other countries engaged in a life and death struggle, but who are neither aiding this country, nor the countries to which they owe allegiance. They have scorned to become naturalized citizens of the United States. They are beyond our authority for the purposes of waging war. They are fighting neither in the armies of this Republic, or of the motherland to which they belong.

This Republic is conscripting the sons of America to fight the battles of America, and incidentally the battles of the countries to which these aliens belong. What does this mean for the native American, this inability to put on the firing line either in the armies of the United States or of our allies, this vast aggregate of aliens? It means that in every community of the United States, where these aliens are found, they constitute an occasion of irritation, of dissatisfaction, and of heartburning. It breaks down that solidarity of sentiment, so essential to the successful conduct of the war, its successful prosecution, and speedy conclusion. We should be at this time a united people, free from the canker of irritating comparisons. How can this state of mind exist when in so many communities American parents see their boys going to war, when aliens protected by treaties from conscription, remain to hold their jobs? This is the situation that confronts us. What are we going to do about it? Can we conscript these people? No. Existing treaties hinder us from taking that action. What then? Are our powers as a sovereign nation paralyzed in all other directions? Are we hindered from taking action on lines not covered by these treaties? Of course not. We can not move in any direction where these treaties block the way, but in all other respects we are still sovereign, and can exercise all of the attributes of sovereignty. What then can this country do, in this time of critical exigency? The answer is easy.

We can say to these aliens who cause heartburnings, these aliens whose presence in so many communities is a festering sore, that while we can not conscript them and put them into the Armies of the Republic, side by side with our sons, we can invite them to withdraw from our country. We can say to them that their further presence is not desirable under present conditions. We can say to them that they are hindering us in the great task of winning the war, by preventing a continuous contrast between their favored condition, and that of our sons in the trenches of Europe. They are neither with us, nor with their own countries. We can not conscript them, and their own countries can not reach them. Under these conditions they are not desirable inmates of our country. They are an offense, and a stumbling block. Have we no right under these circumstances to invite them to withdraw or if they wish to remain to come into our Armies? Why not? Is it possible that we have ever agreed to any treaty which renders it impossible for this country in the exercise of its sovereign powers to invite undesirable persons to withdraw from our borders, and if necessary to deport them?

Mr. PLATT. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. PLATT. Does the gentleman mean that he actually wants to deport these people?

Mr. SAUNDERS of Virginia. Yes, if necessary.

Mr. PLATT. You could not run the coal mines of Pennsylvania three weeks without them.

Mr. SAUNDERS of Virginia. It is more important to have soldiers at the front, than to maintain aliens to dig coal in Pennsylvania. I am more interested in our own boys, our patriotic native born Americans, than in alien coal miners. If these people were in our armies, or the armies of the countries to which they owe allegiance, it would not be necessary for so many of our young men to be drafted.

Mr. PLATT. You can not win the war without the operation of the coal mines.

Mr. SAUNDERS of Virginia. The gentleman is getting away from the question of our authority and rights under the treaties.

Mr. GORDON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GORDON. Is it the gentleman's judgment that the Government of the United States can not win this war without drafting aliens into the military service?

Mr. SAUNDERS of Virginia. We can win this war without the aliens, but as a matter of justice to American boys, I wish to see these people either fighting in the armies of this country to which they have come of their own choice, or in the armies

of the allies' countries to which they owe allegiance. Should our boys fight in Europe to make this country a safe domicile for aliens, where they may wax fat, and flourish, secure against danger?

Mr. GORDON. The gentleman is a good lawyer, but he has not answered my question.

Mr. SAUNDERS of Virginia. I have stated that we can win the war, without calling upon the aliens. But I desire to call upon them.

Mr. GORDON. What authority have we to force aliens into the Army?

Mr. SAUNDERS of Virginia. We are not seeking to conscript them. We give them a choice.

Mr. GORDON. You are or you are driving them out of the country.

Mr. SAUNDERS of Virginia. We say to them "Your presence is not desirable under these circumstances but if you choose to enter our armies, and fight shoulder to shoulder with our boys, you will by that act, remove the objection to your continued presence."

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. No, I can not yield further. My only reason for not yielding is that I have already been obliged to ask one or two extensions, and I do not care to ask for further time.

Mr. FESS. I wanted to ask the gentleman a question on this line.

Mr. SAUNDERS of Virginia. Very well, I will yield.

Mr. FESS. I want the gentleman's opinion as a lawyer upon one question upon which I am considerably confused in my mind. I am in sympathy with what the gentleman is saying, and still I am withholding my support because of some doubt.

Mr. SAUNDERS of Virginia. What is the gentleman's doubt?

Mr. FESS. Suppose the bill is passed with the Rogers amendment; we can not do under the law with that amendment what I think my friend would like to do.

Mr. SAUNDERS of Virginia. Not if construed by a hostile department, no.

Mr. FESS. In case the law is passed and the negotiations of the State Department will relieve inability by treaty, must there be some additional legislation in order to make it operative upon the person that it is now inoperative upon because of treaty obligations?

Mr. SAUNDERS of Virginia. The difficulty in answering that question is that we do not know what the provisions of the treaty will be. I have pointed out that even should this bill become law, any subsequently ratified treaty will be the law of the land, and will override all antecedent laws of the land, just as this bill if passed, will be the law of the land, and repeal all other laws with which it may happen to conflict.

Mr. FESS. Then the law as passed to-day would be operative on cases that the treaty now would forbid if a future treaty would relieve it?

Mr. SAUNDERS of Virginia. This law would not operate against any treaty ratified subsequent to its enactment. Taking up again the thread of my argument, I repeat that we can say to these aliens, "We do not want you in this country under present conditions. You neither wish to fight with us, nor with your native country. Under these circumstances we will be glad for you to withdraw." To this statement we can add the further statement that if, preferably to withdrawing, they are willing of their own motion to become a part of the military force of this country, we are willing for them to remain. This puts the matter up to them—as a matter of voluntary choice. You may say that the choice is a hard one. That may be, but it does not touch the question of our right in the premises.

It is competent for this country to remove them without giving them the choice of coming into our armies. I suppose that the gentleman from Ohio [Mr. Gordon] will agree that morally, and constitutionally we possess that authority. The greater always includes the less. If as a matter of authority, and without violation of propriety, we can deport these aliens as undesirables, then assuredly we enjoy the lesser power to give them the opportunity to remain, by becoming by voluntary action a part of the armies of the Republic, thereby removing the objection to their continued presence. That is all this bill proposes to do.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. FLOOD. Suppose a Member of Congress thought that it did infringe the treaty?

Mr. SAUNDERS of Virginia. Then, he ought to vote against it, just as every Member who thought that the Webb-Kenyon bill was unconstitutional, ought to have voted against it.

Mr. FLOOD. Is it not a fact that this country has negotiated a treaty with Italy that covers this proposition, and does not that take it out of the question of whether we are violating the treaty or not?

Mr. SAUNDERS of Virginia. No; because the old treaty with Italy endures until the proposed treaty is ratified. We do not know when that ratification will take place. In the meantime, and by way of anticipation we ought to take some action.

Mr. FLOOD. The gentleman does not suppose that the Senate of the United States would at the same time ratify a treaty negotiated between this country and Italy and pass a law that violated that treaty, does he?

Mr. SAUNDERS of Virginia. I will say this, and it is an answer to many of the questions that have been propounded: Why concern ourselves with possible conflicts between this bill, and the treaty now being negotiated with Italy, when both the new treaty and this bill will be before the Senate. That body will be in a position to take care of any conflicts, and make the necessary reconciliations.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. HARDY. I would like to know if the gentleman believes that strict good faith permits us to do indirectly what our entire good faith declares we ought not to do directly?

Mr. SAUNDERS of Virginia. There is no answer to that, but no.

Mr. HARDY. If this law would by moral compulsion enforce conscription, if it would force these people into the Army although we can not conscript them, are we not keeping the letter of the law and breaking the spirit?

Mr. SAUNDERS of Virginia. No. Whatever is not covered by the treaty either in terms, or spirit, can be dealt with by appropriate legislation. I have tried to point out that doubtless what the Italian Government had in mind, when it objected to this bill was the second section of this bill, the one that provided for conscription. But that section has been stricken out. Neither the Italian Government, nor any other Government could suppose for a moment that this country had ever surrendered its right to deport undesirable aliens. The right is of the essence of national authority. I have tried to point out how undesirable these aliens are under present conditions, when they can not be reached either by this Government, or their own. I will ask the gentlemen who have asked me so many questions, whether they question the power or the right of the United States Government to invite these aliens to go, and to remove them if necessary. I take it for granted there is not a Member of this body who would claim—

Mr. GORDON. I challenge it myself.

Mr. SAUNDERS of Virginia. Then in the gentleman's own time I hope he will support his contention.

Mr. GORDON. If I can get the time, I shall explain why.

Mr. SAUNDERS of Virginia. If we possess this power of removal how can it be in anywise considered that we run afoul of the treaty when we give the alien an opportunity of his own choice to stay with us? That is all we propose to do. We have the power and the moral right to remove them, but we say to them, "If you do not wish to be deported but prefer as a matter of choice to stay in the United States and become one of us in this war, you may exercise that choice." The question of whether it is a hard choice, is not relevant or important. It may be a harsh action toward these aliens to remove them, when they would so much prefer to stay safely in this country far from war's alarms, while our boys are in France, but it could not be argued that the power of deportation is lacking, merely because its exercise would press hardly upon the persons deported.

Mr. McCULLOCH. Mr. Chairman, is it the gentleman's opinion that the Rogers amendment should be eliminated from this bill?

Mr. SAUNDERS of Virginia. I do not think it should have been put upon the bill. We might just as well have put upon the Webb-Kenyon bill that it should not be operative, if it was held to be in violation of the Constitution of the United States.

Mr. McCULLOCH. The gentleman regards the Rogers amendment as unconstitutional?

Mr. SAUNDERS of Virginia. I voted against it, and I think it ought to be eliminated. However I do not believe that if this amendment remains as a part of the bill, it will operate to kill it. It is not expected that this bill should be enforced if it is in violation of a treaty.

Mr. HARDY. Will the gentleman yield for another question?

Mr. SAUNDERS of Virginia. Yes, I will yield.

Mr. HARDY. Does the gentleman recognize that there is duress in this bill? Would not the gentleman make the same defense of a provision in this bill which would say that any alien of this class who should refuse to volunteer might be imprisoned for six months?

Mr. SAUNDERS of Virginia. No, the situation is entirely different. There is a measure of duress in this measure, but it is duress with respect to a matter that is within our constitutional authority, and within our moral rights.

Mr. HARDY. Would not the gentleman recognize we had the constitutional authority to imprison a man who refused to volunteer?

Mr. SAUNDERS of Virginia. But not the moral right. I was careful to include both of them in my answer. I have undertaken to maintain the proposition that this bill is neither a violation of moral propriety, or a treaty obligation.

Mr. KEARNS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. KEARNS. Then the conscription law which we passed to conscript American boys, there was duress in that, also?

Mr. SAUNDERS of Virginia. Of course, of the most direct and effective kind.

Mr. KEARNS. In that if he refused to be conscripted we could put him in jail.

Mr. SAUNDERS of Virginia. We have no right to use duress to compel something to be done that can not, and ought not to be done directly. But when moral propriety does not interfere with the exercise of constitutional authority, then in the exercise of that authority we can use duress. We have the constitutional authority to deport these aliens, if we regard them as undesirable, and their presence under present conditions as a hindrance to the successful prosecution of the war. No treaty obligation, or moral duty interferes with the exercise of this authority. This being so this country can put up to these aliens, call it duress if you will, the choice between deportation and service by voluntary action, in the Armies of the United States.

Mr. KELLY of Pennsylvania. Mr. Chairman, the gentleman from Massachusetts [Mr. ROGERS], in answer to my question a moment or two ago, stated that he did not believe that this measure in any way supersedes our treaties with the nations concerned. That being true, what is the advantage or necessity of the so-called Rogers amendment? It can do no good and may do much harm. I believe it should be eliminated from the bill.

Mr. Chairman, this proposition embodied in the bill under discussion deals solely with the right of America to classify and deport undesirable aliens. Surely it is a gross violation of all the principles of fairness and justice to permit the citizens and subjects of our allied nations, who have taken all the advantages of an American welcome to this country, to now refuse to serve either their native land or their adopted country. Surely they shall not be permitted to stand as onlookers while the self-sacrificing youth of America marches to the trenches. Either those aliens who are fit for military service must serve under the Stars and Stripes of their adopted home or they must leave our shores for some country in which they have a deeper interest.

I maintain that the command to these aliens to either "serve or leave" is not only a fundamental right of a sovereign nation but it is a most pressing American duty. This country has long been known as the melting pot of the world. Now is the time to see whether the melting pot has done its work. We have lighted underneath it the fires of patriotism, of noble ideals, and of American safety. Now, we want to know whether the metal of our peoples has been fused into the steel ingot of common purpose. In this bill we declare that the alien slacker, the elements that will not fuse into Americanism, shall be skimmed off and thrown on the slag heap.

It is repeated on this floor that to serve or leave is a bitter alternative. The process of melting is bound to be painful. Steel is not made by asking the ore if it wants to be melted. But the ore is needed for worthy service of mankind, and it is put into the melting pot so that good metal may be molded and the dross thrown away. So, too, with these aliens in our midst who come from our allies in war. They are tested as by fire, and in this moment of national need and national peril they must either fuse into the forces of Americanism or be cast out. The man who does not think enough of this country to defend it now has no right to live upon its soil.

We have heard much of our treaty with Italy. Let me read a statement sent out by Secretary Lansing in answer to a letter

from the gentleman from Michigan [Mr. JAMES]. It is as follows:

Naturalization of an Italian subject in a foreign country without the consent of the Italian Government is no bar to liability to military service.

A former Italian subject may visit Italy without fear of molestation when he is under the age of 16 years, but between the ages of 16 and 39 he is liable to arrest and forced military service if he has not previously reported for such service. A former Italian subject who returns to Italy after the age of 39 is not liable for service. However, his exemption from punishment for past failure to appear is contingent upon his having complied with certain formalities which may be performed at an Italian embassy or consulate.

A petition for pardon of the offense of desertion or evasion of military service should be sent to the Italian Government directly, as this department does not act as the intermediary in presenting such a petition.

There is no naturalization treaty between the United States and Italy defining the rights of citizens or subjects of either country who may obtain naturalization in the other country. It may be stated, for your information, that in the absence of a naturalization treaty between the United States and Italy the Italian Government has taken the position that children born abroad to Italian subjects must be considered subjects of Italy and liable for the performance of military service in the army of that country.

Now, this attitude on the part of Italy simply means that that nation does not admit that former Italian citizens can be made full-fledged American citizens. There is the doctrine of dual nationality, and it shows that the Italian Government has no undue delicacy in its policy of dealing with those whom we regard as citizens of this country. To my mind the absence of a naturalization treaty with Italy at the present time is evidence that Italy will be the last country in the world to enter any protest to our undoubted right to deport undesirable aliens. I have a large number of former Italians in my district, and I want to say that they are loyal Americans and are with America in this war with all their hearts. At the very beginning of this war I received resolutions from a great mass meeting of former Italians held in my district, declaring earnest allegiance to the American cause and offering themselves for service in any way possible. I addressed a meeting on Washington's Birthday, last week, where some 14 different nationalities were represented. I went into the details of this "alien slacker" bill at length, and those present expressed their full approval of this measure. Those aliens who have appreciated the advantages of American citizenship and have taken out their papers of naturalization want that citizenship to mean something. They do not want unjust immunities and advantages to go to those who have never applied for citizenship.

The gentleman from New York [Mr. PLATT] injected the remark a moment ago that the coal mines of Pennsylvania could not run if this measure is passed and carried out. I come from a district where many coal mines are operated, and I want to say that the number of aliens working in them will be lessened tremendously when it is emphatically understood that American citizenship means something and that remaining an alien does not assure unjust advantages over an American citizen. One of the main barriers to greater efficiency and production in the coal mines is that very thing, the absence of the feeling that citizenship means protection and rights as a member of the Nation over those who deliberately choose to remain outsiders. Let the word go out that aliens must either serve here or leave, that they shall not escape their obligations, and you will see renewed efforts in mine and mill and factory. You will see a more whole-hearted and eager response to the stern demand of to-day on the part of American citizens from every home affected by selective conscription.

Justice to Americans demands the passage of a measure to put value into American citizenship, to make it mean rights as well as obligations, and to make alien slackers either serve or get out of America. [Applause.]

The CHAIRMAN. The Chair desires to state that he has noticed that some of the occupants of the galleries are indulging in applause. That is in violation of the rules of the House. The occupants of the gallery have no right as visitors in the gallery to express their approval or disapproval of what takes place on the floor, and the Chair hopes that occupants of the gallery will observe this rule. The Chair will recognize the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GORDON. Now, Mr. Chairman, I just want to answer a few questions that have been propounded by the previous speakers.

The gentleman from Virginia [Mr. SAUNDERS] is a good lawyer and an able parliamentarian, but his whole contention here, his whole argument, is based upon the erroneous assumption of the

legal liability of aliens to render military service in the country in which they are domiciled. Now, any lawyer that will stand upon the floor of the American Congress and make such a contention as that confesses his entire ignorance of international law and the rules and customs of this or any other nation, so far as diplomatic relations are concerned. What is the undisputed truth? During the Civil War we passed a conscription law similar to the one now in force, covering those who had declared their intentions. Secretary of State Seward, after the war was over, in a formal statement declared that in every single instance where an alien declarant was conscripted into the military service of the United States he was discharged if a demand was made by his government that he should be discharged. Unfortunately we embodied that same provision in our draft law. What is the result? The Commander in Chief of the Army and Navy is discharging these aliens on the request of their government. Of course he would discharge them. They are not legally liable to render military service.

Mr. MADDEN. Of course they could not make application to discharge themselves, and they have to apply through their own governments.

Mr. GORDON. They have to apply through their own governments. That is the unfairness and meanness of this legislation. It is taking advantage of the people that are in this household of ours at our invitation. In many instances we are lending enormous sums of money to their governments, which adds materially to the embarrassment of the situation. I do not like to say that we are attempting to take advantage of men who are here by our invitation, and because we are loaning money to their governments, because no alien can come into a country without consent of that country, and nobody can question but that we have given consent.

Mr. JOHNSON of Washington. In an effort to straighten out that situation, the Committee on Military Affairs has reported a bill to the House correcting it, based on the statement of the President himself.

Mr. GORDON. The Secretary of War and the Secretary of State have sent a bill down to the committee, and we have reported it out.

Mr. JOHNSON of Washington. We have not gotten through with one branch before we are forced to take up another bill in regard to the first-paper aliens.

Mr. GORDON. While you are deliberating here and talking about this the President of the United States, in order to avoid trouble with foreign nations, is simply ignoring the law you have already passed and dismissing these men from the military service because they are not legally liable to render it. And the one main point about this whole matter that every speaker insists upon ignoring for the purpose of pandering to the voters of his own district is that you have no legal authority to conscript an alien into the military service. Why should aliens fight for the American flag? Will somebody tell me?

Mr. BURNETT. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. BURNETT. If they are here and will not do it, why should our boys be sent over there and they be allowed to stay here?

Mr. GORDON. I will tell you why. Our men have got to fight the battles of our Nation. They are the only ones liable. The idea that an alien is under obligation to fight for a foreign flag is a mistake. That is a new discovery in international law. They are under no obligation to do it.

Mr. KEARNS. You have not answered the latter part of the gentleman's question. Why should they remain here?

Mr. GORDON. They should remain here, because, in the first place, if you deport these men across this submarine zone without a convoy at this time it means certain death. We can not furnish them with a convoy. It is a breach of faith on our part. They are here on our invitation. The most practical objection to this legislation, against its passage through the House—and it will never get further—and I want you to consider it, is that you will prostrate the industries of this country in all of the large cities, including the one in which I reside. Thirty-two thousand aliens between the ages of 21 and 30 in the city of Cleveland registered under our conscription law. We had a right to require them to register, because we had a right to identify them. We had a right to intern the alien enemies, and it might be necessary for you to do so for the protection of the country during the time of the war, because a state of war between two nations puts at war legally all the citizens of one nation with all the citizens and subjects of another nation. But just because we require them to register confers no right to impress them into military service. There is no such right. Every single authority on international law, regardless of treaties, holds you can not do that. If we were

invaded suddenly, if there was a great insurrection, you perhaps might call upon aliens resident here to assist in suppressing it, but the idea that a sovereign nation can conscript an alien into its military service in order to fight a foreign war is a new discovery of the gentleman from Alabama [Mr. BURNETT] and the gentleman from Virginia [Mr. SAUNDERS] in this debate.

There is no authority for it; none whatever. Our own State Department has thundered against it since the foundation of this Government, and, of course, the reason for it is perfectly obvious. If we insist upon the right to draft aliens into our military service we must concede the same right to foreign nations. And I do not care to be the citizen of a country that will permit its citizens to be drafted into the military service of foreign nations. James Madison, when Secretary of State, discussed this question fully and said that under no circumstances would it be permitted. The War of 1812 arose out of the actual impressment of American seamen into the British Navy more than from all the other causes combined. The assertion was made by the English that "once an Englishman, always an Englishman," and that their citizens could not throw off their allegiance to their mother country and become naturalized citizens of the United States. They did not assert the right then to draft native American citizens into their army or impress them into their navy. They simply claimed this right over men born in England who were naturalized under our laws. We denied their contention, and the War of 1812 was largely fought upon that question. James G. Blaine, in words that burned, denounced the proposition to draft an American citizen into the military service of a foreign country. Thomas F. Bayard did the same thing. It is not a party question. There is no authority anywhere on earth for the proposition that you have a right to compel an alien to enter the military service of a foreign nation in which he is domiciled.

Of course the President of the United States understands that. He is an authority upon history and upon international law. And what is he doing? What is he compelled and required to do? To ignore legislation that you have already enacted in order to keep the country out of war with other foreign nations who are challenging our right to draft their citizens and subjects into our military service, and a bill has been brought in here, at the request of the War Department and of the State Department and the President of the United States, to amend your draft law so as to exempt aliens coming from neutral countries from the provisions of that law. It is a constant source of irritation in connection with the drafting of our Army, although the President merely discharges them. But the unlawful laying of hands on them and subjecting them to the necessity of appealing to their Governments for protection under the rights they have under treaties and international law is a source of great embarrassment.

We have a pretty good-sized war on our hands now. I do not think we should needlessly attempt to take on another. We have denounced the enemy of the United States in this war because he has violated the rights of our citizens under international law and has violated treaties we had with him, but that is exactly what we are attempting to do here by this sort of legislation. Gentlemen, it is a mere pandering to the same sentiment which in the days of President John Adams led to the enactment of the alien laws and which aided to bring about the destruction of the old Federal Party; and I want you to remember that the time will come when some of you will regret this. Of course just now, in time of war, the aliens are a very unpopular proposition in the United States. The alien has no vote in most of the States. In nine of them, I will say to you, he may vote by declaring his intention. That is a situation which ought to be changed by constitutional amendment at once. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GALLAGHER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. GALLAGHER. Mr. Chairman, at last it appears that Congress is to remedy a condition regarding alien slackers. This problem has caused a great deal of trouble and dissatisfaction in many of the draft districts where there are a large number of aliens registered. The bill now before Congress provides for the deportation of certain aliens who want to escape military service, and for other purposes. I hope the bill will pass, and I believe it ought to pass.

One of the principal objects of the bill is to prohibit aliens who are natives or subjects of countries who are at war with Germany or with any of the other central countries of Europe from ever becoming American citizens when they claim or here-

after claim exemption from the selective draft, and further it requires the deportation of such aliens as soon as it is practicable to do so. We understand and appreciate that it is impossible at the present time to deport many of these aliens on account of the impracticability of securing immediately ships and other means of deportation, but under this bill it will be done as soon as these means are available.

I am in favor of the passage of this bill without the amendment by the gentleman from Massachusetts [Mr. ROGERS], which is as follows: Insert the following after the word "citizens," page 2, line 4:

Provided, That this act shall not be construed to supersede the provisions of any existing treaty with such country the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service.

I do not believe that such an amendment is necessary in view of the statement by the chairman of the Committee on Foreign Affairs regarding existing treaties between this country and some of our cobelligerents, particularly Italy, and further because of a letter received by him yesterday which reads as follows:

THE SECRETARY OF STATE,
Washington, February 25, 1918.

MY DEAR MR. FLOOD: Referring to the negotiations which the department is carrying on with certain of our cobelligerents regarding military service conventions, I desire to state for your information that on Tuesday last I signed with the British representative two conventions, one for Great Britain and one for Canada, and that I am now in receipt of telegrams from the American ambassadors at Rome and Paris practically accepting with a few minor changes the proposal of the United States to enter into similar conventions with Italy and France. I am not expecting that any serious obstacle will be placed in the way of early signature to these conventions.

Very sincerely, yours,

ROBERT LANSING.

Hon. HENRY D. FLOOD,
House of Representatives.

In view of all this I had supposed that the opposition of our cobelligerents had been removed until our friend from Ohio [Mr. GORDON] took the floor. He is very much concerned about the industries that are going to stop because these aliens are likely to be deported if the law passes, as I hope it will. What about the industries in a district such as I represent, where perhaps all of the natives between the ages of 21 and 31 will be compelled to render military service under the selective-draft law as it exists. He tells us that these foreigners are here by our invitation, whereas everybody who has served in this House for any length of time knows that for the last 10 years there has been an effort on the part of Congress, much to my regret, to deny immigrants admission to this country. I have always been and am still in favor of liberal immigration.

Now, let me give you an illustration of conditions as I find them. I represent a district in the very center of the city of Chicago, composed largely of foreigners and the children of foreigners. The great majority are patriotic citizens, with many more anxious to become citizens. Quite a large number are aliens. In my own draft district nearly 60 per cent of those registered of draft age are aliens. Now, you have to get the quota for that district from the 40 per cent of natives or those naturalized and those with first papers. Quite a percentage of those selected have taken out only their first papers. In such a district, or in any like district, nearly all the natives will be drafted to make up the quota for the district. Is that fair? I do not believe you think so.

I had a telegram shortly after the selective-draft law went into force from the local exemption board of the district in which I reside saying that the conditions were such that they would not serve there. Let me read you their telegram:

CHICAGO, ILL., July 22, 1917.

Hon. THOMAS GALLAGHER, M. C.,
Washington, D. C.:

We desire to call your attention to the fact that in the forty-second division, comprising the first, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth precincts of the nineteenth ward, there is a total registration of 3,768; of this number there are 2,242 aliens, constituting 59.5 per cent of the total registration, leaving 1,526 citizens to draw from. If quota to be furnished is based upon the total number registered it will be impossible to comply with same. The unfairness of such a request is apparent in due justice to our fellow citizens of this district. The quota should be based upon the number of citizens registered and not upon the total registration unless quota to be furnished is based as suggested above. We, the undersigned members of local exemption board No. 42, of the city of Chicago, county of Cook, State of Illinois, do hereby and herewith tender our resignation, to take effect immediately.

RAOUL R. HAAS, M. D., Chairman.
WALTER ARNOLD AMBERG, L. L. B., Clerk.

I took the matter up with Gen. Crowder, and he said they will have to serve, they can not resign. I wired them back to that effect and told them they must serve to avoid trouble.

Congress did not know of such a condition as this when the selective-draft law was passed, and I have told the people of

the district on several occasions that Congress would remedy the condition, and this bill, if enacted into a law, is a remedy.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes, sir.

Mr. HARDY. Can the gentleman tell us what proportion of the aliens in his district are either alien enemies or alien neutrals?

Mr. GALLAGHER. A large proportion, in the particular district of which I speak, are Italians. The native boy of Italian parents or the boy whose father became a naturalized citizen is as anxious to fight for the Stars and Stripes as any in the country. We also have quite a large number of Greeks there, and as near as I can learn the percentage of exemptions almost equals the number of aliens in this and like districts.

Mr. HARDY. Are there no Germans or Austrians?

Mr. GALLAGHER. Very few; they are scattered.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. With pleasure.

Mr. FESS. Are there not a great many Slovaks and Slovenes and Czech that are very loyal but who would stand under our law as alien enemies?

Mr. GALLAGHER. Yes; and a great many of them are offering to serve and are willing to serve.

Mr. FESS. That situation ought to be cured.

Mr. GALLAGHER. Take the Poles, for instance. Perhaps the largest colony of Poles in this country are in my district, and they have national headquarters there for many of their organizations and associations. There are no people in this country that are as anxious for us to succeed in this war as are the Poles, and none more loyal, either.

Mr. FESS. Yet they are technically alien enemies?

Mr. GALLAGHER. Yes; they are technically alien enemies.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes, sir.

Mr. BARNHART. These loyal so-called alien enemies have a perfect right to enlist.

Mr. GALLAGHER. Yes; and the Poles and Italians are enlisting in large numbers. Many, very many who are out of the draft age. It is the fellow who is taking advantage of our exemption laws and is trying to stay here and take the job of the boy who is drafted that this bill will regulate. These are the ones we are after.

Mr. FESS. Suppose they were taken prisoners at the front when enrolled in our service. What would happen to them?

Mr. GALLAGHER. They would have a bad time of it, I expect, if captured by Germany.

Mr. GORDON. They would be executed for treason.

Mr. GALLAGHER. Well, they are willing and anxious to take the chance. I do hope that this Congress will remedy the condition I complain of and such as I have described.

If, as President Wilson says, we are fighting "for the rights of small nations, for freedom in the world, for justice and for peace," then, in my opinion, it is the duty of all who love liberty to fight for these principles.

I believe it to be the duty of all men who have come to this country to better their conditions and share with us the blessings of a free government, and especially those who come from a country which is now at war with Germany, to fight with us under our flag, where they will receive adequate pay for their services, compared with that which they would receive in the service of the country from which they came, and where they will receive also the pension or insurance that our law provides and which our boys will receive. If they will not fight under these conditions, they should be made to go back home and fight, and I feel almost certain that the treaties that are now in the making will provide that they be drafted in the service of the country from which they came, if they do not enter our military service. I am simply expressing the indignation of my constituents about the injustice of the condition that I have described in my draft district and which exists to a certain extent throughout the whole congressional district. They do not believe it is fair to fight the battle of liberty, justice, and right for men who will not fight for themselves.

I hope this bill will pass, and pass without the amendment of the gentleman from Massachusetts, because according to the statement made by the chairman of the Committee on Foreign Affairs there is no necessity for that amendment in this bill. It is a proper law, and we ought to pass it, as suggested by the chairman of the committee reporting it. [Applause.]

Mr. HARDY rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BURNETT. Mr. Chairman, I would like to have an agreement about the time of debate. Will the gentleman from Texas yield for that purpose?

Mr. HARDY. I will.

Mr. BURNETT. I would like to have 15 minutes agreed upon for debate. The gentleman from Missouri [Mr. MEEKER] is a member of the committee, and I should expect to yield to him. I think this is all there is to it. None of this debate is germane to the amendment I have offered, but I have not objected to it.

Mr. JOHNSON of Washington. But it is very illuminating. I am sure the gentleman is inclined to be liberal. There will be no attempt to consume the time unnecessarily.

Mr. BURNETT. Twenty-five minutes, then, Mr. Chairman.

Mr. JOHNSON of Washington. We should have 15 minutes on this side.

Mr. BURNETT. Thirty minutes, and the gentleman may control 15 minutes.

Mr. JOHNSON of Washington. Let it be controlled by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. BURNETT. Will you allow the gentleman from New York to come in under your time?

Mr. STAFFORD. We have already requests for 15 minutes on this side.

The CHAIRMAN. What is the request?

Mr. STAFFORD. Make it 18 minutes.

Mr. BURNETT. I will make it 20 minutes on a side, and ask that it be upon the entire section and all amendments thereto. There is no amendment pending except the one that I have offered.

The CHAIRMAN. Twenty minutes on a side?

Mr. BURNETT. Yes.

The CHAIRMAN. And who is to control the time?

Mr. JOHNSON of Washington. For this side, let the gentleman from Wisconsin [Mr. STAFFORD] control it.

Mr. BURNETT. Twenty minutes to be controlled by myself and 20 minutes by the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this section and all amendments thereto be concluded at the end of 40 minutes, half the time to be controlled by the gentleman from Alabama [Mr. BURNETT] and half the time by the gentleman from Wisconsin [Mr. STAFFORD]. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Alabama desire to use his time now?

Mr. BURNETT. The gentleman from Texas [Mr. HARDY] has been recognized.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] had five minutes before the agreement was made?

Mr. BURNETT. Yes. The gentleman from Alabama [Mr. BANKHEAD] has an amendment to make this section conform to the amendment that was made to the first section, and I would ask that he be allowed his five minutes without it being taken out of the 20 minutes.

The CHAIRMAN. Is there objection to that request?

Mr. RAKER. Reserving the right to object, I ask that I have five minutes in opposition to the amendment of the gentleman from Alabama.

Mr. STAFFORD. I think that would be eminently unfair. The other side would then have 35 minutes to 20 minutes on this side. We are not objecting to the arrangement to allow the gentleman from Alabama to have an additional five minutes, but everybody will be asking five minutes.

Mr. RAKER. Everybody is not going to ask five minutes. I am a member of the committee and I am opposed to the amendment of the gentleman from Alabama. I do not believe the amendment ought to go on to the bill.

Mr. STAFFORD. They will have more time on that side, then.

Mr. BURNETT. Upon that question.

The CHAIRMAN. Is any further time asked?

Mr. BURNETT. I ask that there be 25 minutes on each side.

The CHAIRMAN. The gentleman from Alabama now asks unanimous consent that there be 25 minutes on each side—the time on one side to be controlled by the gentleman from Alabama [Mr. BURNETT] and on the other side by the gentleman from Wisconsin [Mr. STAFFORD], and this does not include the five minutes already granted to the gentleman from Texas [Mr. HARDY]. Is there objection?

Mr. RAKER. Reserving the right to object, does that include five minutes to the "gentleman from California"?

The CHAIRMAN. The Chair knows nothing about that. The time has been extended five minutes on a side.

Mr. RAKER. The chairman of the committee agrees to yield to me five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] is recognized for five minutes, not to be taken out of the time agreed upon.

Mr. HARDY. Mr. Chairman and gentlemen; I want to address myself to the Rogers amendment. There have been clearly expressed two views as to the operation of the bill before the House without that amendment. One opinion is that it will not violate any treaty of ours with any other nation. Another view is that it does clearly violate our treaty with Italy and perhaps other countries. I will not undertake to discuss which one of those views is right as a legal proposition, although in my judgment it does clearly violate our treaty; but I will say this, that if it does not violate a treaty the Rogers amendment does no harm. If it does violate a treaty, then the Rogers amendment is very essential if we wish as a nation to preserve good faith. Now, let me say what the Rogers amendment is. In substance it simply provides that if this bill in any particular does violate any treaty, it shall be so far inoperative and void. We as a Nation have contended that the highest international obligation is good faith, and we have denounced the German Imperial Government because it tore up a treaty as a scrap of paper. Yet forsooth, because the present conditions may not be to our fancy, and many aliens in our midst have not volunteered for our Army, we propose to refuse to attach to this bill a provision that it shall be inoperative if it violates a treaty, which by its express terms agreed that we would not force or compel the citizens of another country to serve in our Army. Let me make this statement, further, that good faith does not depend upon legal obligations. Good faith is a moral question, and if this law violates the moral obligation of the treaties we have entered into, or the moral obligations of international law, which we profess to adhere to, we ought not to pass it. There is not only our obligation of good faith to nations, but under our laws the aliens from all climes and countries who meet the conditions of our immigration laws have been invited to settle among us and locate here and build up their homes and their fortunes here. The very terms of our law are an invitation to them to come and obey our law and live with us under the well-understood obligation on our part that we would not force them to serve in our Armies. These men from other countries have come. They are here with us, and now we propose to say that "We have the legal right, notwithstanding our treaty, to deport you if you do not volunteer, and we will hold over you the threat of deportation."

These gentlemen who say there is no violation of the treaty forget that you may morally break a treaty though you keep it to the letter. They forget that you can compel a man to do a thing by duress as well as by taking him by the nape of the neck; and when a man has his all here, you as much compel him to join your Army when you tell him that you will deport him and confiscate his property as if you had conscripted him.

You may save your conscience and say that he is not serving by compulsion—because you leave him the choice of volunteering or being deported—but you would quickly take the other side of that question if one of our citizens rightfully in a foreign country, which had agreed with us not to compel our citizens to enter her army, were to be given the same choice. Then there is one other subject I want to call attention to. The gentleman from Alabama [Mr. BURNETT] argues that this bill will do away with the foreigners getting the jobs of the Americans. You recognize that you can not apply this law to the neutral or to the enemy alien. Now, I would like to know what percentage of aliens in our midst belong to Italy, France, or England. Why, the German will go scot free under this law and so will every Austrian who is living here, as well as all neutral nationals.

Mr. JOHNSON of Washington. And where do the Finnish people come in?

Mr. HARDY. I do not know; but every Russian, I think, to-day would be exempt from this law, and only a minor per cent of the aliens would be affected by it. Surely, when the administration tells us that they have about completed negotiations with France, England, and Italy for an amendment of our treaties with them, and when the administration evidently does not want this law passed, we ought not to pass it without the amendment. From every standpoint the Rogers amendment ought to be incorporated into the bill, and then we could hold our skirts so clear from the stigma of violation of our national faith that no man could shake his finger at us and say, "Thou, too, art the guilty man." [Applause.]

Mr. BURNETT. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I ask that my amendment be read for the information of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read as follows:

Page 3, lines 5 and 6, strike out the words "or with any of the central powers of Europe" and insert in lieu thereof "Austria-Hungary, Bulgaria, and Turkey."

Mr. BANKHEAD. Mr. Chairman, when this amendment, in identical language, was offered to section 1 at the time we had the bill up for consideration on the 6th of the month, it seemed to have caused some misapprehension in regard to the purpose for which it was offered. The only purpose I had in view was to clarify and make definite the real purpose of the language of the act.

Mr. ROBBINS. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. ROBBINS. Is there any declaration of war against Turkey? Why should we include that country?

Mr. BANKHEAD. That is what I want to make clear, as to what the committee intended. I am not wedded to the amendment, but I think in justice to the bill it ought to be made clear, so that there will be no misunderstanding. The words "central powers" only refer to the geographical location. It is not in capital letters, so as to give it political significance. It ought at least to be capitalized, so that we will understand what autonomy is intended and what specific countries it refers to. The bill as it stands here says:

That after 30 days from the passage of this act no alien who is a native or subject of any country that is engaged in the war with Germany, or with any of the central powers of Europe—

What are referred to here as the central powers of Europe? Is it Germany and Austria-Hungary, or is it to be taken in its broader acceptance of the term and include Bulgaria and Turkey? I asked a distinguished scholar of the House when the matter was called to my attention what he understood to be meant by "central powers," and he said Germany and Austria-Hungary. I said what classification would you put Bulgaria and Turkey into, and he said they were Balkan powers and, according to the strict political construction, are not included in the words "central powers." My only purpose was to make clear and specific the intention of the committee as to this part of the bill. If we intend to include all the four powers, we ought to so declare it, or at least have the words "central powers" capitalized. I offered it to the first section of the bill. I had no purpose in offering the amendment except to make specific the intention of the committee. I think it is of sufficient importance to clarify it by this amendment. I will ask the chairman of the committee what was the purpose of the committee in using the words "central powers"?

Mr. BURNETT. The committee thought it was all these powers that were at war against the allied powers; that they should be regarded as the central powers.

Mr. BANKHEAD. In other words, Germany, Austria-Hungary, Bulgaria, and Turkey?

Mr. BURNETT. Yes.

Mr. BANKHEAD. If that was the intention and purpose of the bill, it ought to be set out in that language. I want to submit it to the judgment of the House and call attention to it. I think the amendment ought to be adopted.

Mr. BURNETT. I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, this same proposed amendment was offered when the bill was up before to lines 5 and 6, section 1. The only objection is that it is not exactly what the committee wants, but what the bill intends. We do not want to designate those that are not at war with the United States or those we have not declared war against. The gentleman from Alabama has clearly covered the matter. I imagine the committee would have no objection to capitalizing the words "central powers." It seems to be more in harmony with the bill than it would to distinguish by putting in Germany and Austria that we have declared war against and then in addition putting in Bulgaria and Turkey, two countries that we have not declared war against.

Mr. BANKHEAD. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. BANKHEAD. If you will read the text, it does not relate wholly to countries that we have declared war against, but to those countries with which ourselves and allies are at war.

Mr. RAKER. As we understood, and it has been so presented by all of the parties, we are not an ally with any country, and therefore that may be an unhappy expression in the bill. I do not believe anything in this bill says we are the ally of any of these countries.

Mr. FESS. We do not use the word "ally" in the bill, but in the explanation we are trying to cover those citizens of the countries that are at war with the central powers. Now, who are the central powers?

Mr. RAKER. Let us be frank, and let us legislate upon matters as they exist.

Mr. FESS. Here is the point. Some of those powers are at war against Germany and Austria, and not against Bulgaria and Turkey.

Mr. RAKER. That is true, and why not let us meet the thing face to face and legislate upon the matter and against the countries we have declared war against?

Mr. BANKHEAD. Then you would exclude a lot of aliens?

Mr. RAKER. I mean the countries that we have declared war against. Why pick out the countries that England and France and Italy have declared war against?

Mr. FESS. That is not the purpose of the committee.

Mr. RAKER. No. Then why complicate the bill by naming Bulgaria and Turkey, because we as a Nation have not declared war against those countries, while England and France have declared war against those two countries. All of the central powers—

Mr. FESS. What does the gentleman include in that?

Mr. RAKER. It is my view of the matter that includes Germany and Austria-Hungary.

Mr. BANKHEAD. That is the very confusion I was seeking to clear up.

Mr. ROMJUE. Mr. Chairman, I think the gentleman is quite right in that, and it is immaterial whether it includes Austria and Germany alone or all the powers. Certainly, Austria and Germany are the central powers, and there is no nation in this war as our ally but what has declared war on Germany and Austria. Of course, there is an exception in the Balkan States.

Mr. RAKER. Yes; and I do not believe that we ought to complicate it, although the gentleman's suggestion that we capitalize the words "central powers" could do no harm, but why include in this bill a specific designation as to Bulgaria and Turkey when the bill clearly specifies what we want and what we are intending to accomplish and will bring about, as I believe, the relief that is sufficient to take these aliens who are here and will not join our own forces abroad. This, of course, is not vital in any way. It can do no harm, though the bill as reported by the committee is plain. The thing we want is this proposed legislation enacted into law and placed on the statute books. It will relieve the present embarrassing situation. The American people are firmly convinced that this legislation should be enacted and enforced. Those who are receiving the benefits of our Nation should be willing to assist in our present troubles. If not, they should not become citizens of America, but should be sent home where they belong. It is entirely optional with them. But when they decline to assist us, then we know they never would make proper citizens of this country, and so state in this bill, and in addition we assist in getting rid of their presence, which is harmful to the Nation. We treat all just and fair. We want like treatment in turn. From all angles I feel myself much impressed with the objects and purposes of the bill. As a member of the committee having consideration and charge of this bill I voted to report it to the House and shall continue to assist all I can in securing its final passage by the House.

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I want to call your attention to a condition which existed in the city in which I live during the first draft. When they called for the registrations there were 25,000 young men between the ages of 21 and 31 who registered. Ten thousand of those registrants were aliens, not subject to serve with the United States Government at all. By reason of the registration of these 10,000 aliens this city was compelled to furnish almost twice as many young Americans as it would have had to furnish if those 10,000 aliens had not registered. I claim that is unfair. I want to see something done. I either want to see the means of raising the draft quota changed or else I am going to support this bill. I do not believe that it is fair to compel the young Americans to go to the war while these men stay at home and take their places in the great industries and shops in the district which I represent. I listened to the speech of my friend, the gentleman from Ohio [Mr. GORDON], and I believe it was one of the very best speeches I have ever heard him make, up until the last sentence, and then what did he say? He said, "Some of you men are going to be sorry; the day will come when you will regret voting for this bill." He said a great many of the aliens are not voters now, but they will be some day, thereby intimating that if we dared to vote for this measure we would suffer, as far as these votes are concerned, when the election time rolled around.

Mr. GORDON. Oh, Mr. Chairman, will the gentleman yield? He is entirely mistaken.

Mr. COOPER of Ohio. I yield if I am mistaken.

Mr. GORDON. Certainly. I had no reference to any election in my mind. These men are not voters.

Mr. COOPER of Ohio. Did the gentleman not say that some men would live to regret this day?

Mr. GORDON. Yes; when this war is over and this feeling against aliens has all died out, then gentlemen will see the wrong in it. You are seeking to impose an obligation that these men are exempt from under the law of nations.

Mr. COOPER of Ohio. Why does the gentleman say that these men were not voters now, but soon will be? What do you mean?

Mr. GORDON. I said a lot of gentlemen were supporting this thing because these aliens had no power to assert their rights, because they are not voters. That is what I meant.

Mr. COOPER of Ohio. I want to say to my friend from Cleveland, and I like him, that I come from a district that has probably as many aliens in it as his own district, but that as far as I am concerned I care not what my political future may be, I am going to stand here and do what little I can to protect the American boys and make these men do their part. [Applause.]

Mr. Chairman, we all feel proud of the brave young Americans who have answered the call of our country and stand ready to give their life's blood for the great cause which we are contending and fighting for to-day. These young men have been selected from the finest blood in our land; they are the pick of our young American manhood, and as they leave to fight our battles in a foreign land we realize that many of them will never return again; and, Mr. Chairman, realizing this as I do, I feel that there is no too great a sacrifice for me to make in order to help these young men in the great, noble, patriotic service which they are performing to-day. [Applause.]

The district which I have the honor to represent in this Congress has furnished about 5,000 young men, who have answered the call of our President to follow the Stars and Stripes into a foreign land. I honor and respect these boys, and for that reason I am going to vote for this bill. It is a matter of principle and justice to me, for it is not fair and right to draft our American boys to fight the battle of our country and at the same time allow thousands of able-bodied young aliens who are subjects of the countries that are now at war with Germany and who intend to make this their home for all time enjoying the privileges of our country and taking the place of our young men who are going to a foreign land to fight their battle. I shall vote for this bill as a matter of justice and fair play to our brave boys who are now fighting, shedding their blood in the trenches on the blood-soaked battle fields of France. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I think, in the consideration of the bill there are two or three matters that we should keep very clearly in mind as regards not only our right but the wisdom of taking some action of this nature. In the first place, it will help us all the time if we remember that when it comes down to the real fact of the case that we have declared war against Germany and Austria because of what they did to our citizens and because of their attempt to destroy our Nation, and that we would be compelled to fight them and would fight them if nobody else was in the war. To that extent it is our war, so far as we are concerned. In the second place, we certainly, as a Government, have a right to say to men who are within our Government who are not citizens whether they shall remain during such times as this or not. Now, all we say in this bill is this. "We are getting ready to deport men who are not citizens of the United States and send them back to their own countries until this war is over unless those men see fit to join with us in this war." It is not the same thing as saying to a man, "You must serve or go to prison." It is saying to everybody, in giving notice, "You can prepare to pack your trunk until the trouble is over in the family unless you want to help us save the house."

Mr. BUTLER. Will the gentleman yield for one question?

Mr. MEEKER. Yes.

Mr. BUTLER. Could an American complain if a foreign country said to the American resident of that country, "You will either fight with us or go home"?

Mr. MEEKER. I wish they would say it. [Applause.] I wish the foreign countries would say to our men who are there, "You are encumbering the earth. Now, you must pack your bag and return home until our trouble is over, unless you want to help us."

Mr. JOHNSON of Washington. Suppose the Mexican Government did that?

Mr. MEEKER. To our people?

Mr. JOHNSON of Washington. Yes.

Mr. MEEKER. Certainly.

Mr. JOHNSON of Washington. Then what?

Mr. MEEKER. If Mexico stated, so far as the protection of the rights of our people are concerned down there, we are protecting the right of any alien here, certainly Mexico has the right to say to anyone in Mexico at the present time, or any other Government would have, if they did not desire the presence of certain citizens there, that they must go. If we can not say that, then the alien has a greater right in America than we have ourselves. Who is running this Government, aliens?

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. COOPER of Ohio. Does the gentleman believe there is any red-blooded young American in any foreign country to-day but what has offered his services?

Mr. MEEKER. No "red blooded"; the gentleman put in the words "red blooded" with his question, but there are some Americans who have a yellow streak; but when the gentleman says "red blooded," of course not. But now I think we should divest this whole argument of all the question of our associations in the war and simply serve notice on the men in the United States who are here from other countries that we are going to issue a general order of deportation, and these gentlemen will be given the privilege and the opportunity of deciding for themselves whether they want to stay and assist in this program, and if they do not care so to do why should not they go? That is the one question, why should not they go if they are not willing to fight here. It is none of our business whether they are put in the army of their own nations when they get back. It is very evident many of them are not going back, because they know they will be put in the service there, and the way the situation is now they can not be put into service here and their own country can not take them back. They are the "fortunate" men of the struggle who have gone beyond the reach of their own nation and yet are insisting we can not touch them because they are aliens. Now, we simply issue a general order for all aliens of military age to go in 60 days. We do that for the protection and welfare of our own Nation. If the alien comes and says, "I prefer to fight; I want to join your military forces," very well, then. If they want to join our military forces, well enough. If they want to join our military forces, we will accept them in the Army. When this becomes a law, it will no longer leave a twilight zone for the alien slacker who will not fight in our Army because he happens to be here and stands on a technical treaty right. [Applause.] Now, then, we are violating no treaty any more than when we put a city under martial law in a time of great fire or danger. We say to the party, no difference whether he is an alien or who he is, "If you will not help us to fight this fire, we will throw you in the fire," and he ought to be thrown in. That is the one point of this bill. We are violating no treaty; we are standing on our rights, serving notice we will empty this country of aliens within 30 days for the good of the country unless those men want to fight with us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I want to see in good faith what I understand the situation. As I understand it, all the people of draftable or conscriptive age in the United States have been registered. I think that is so, is it not?

SEVERAL MEMBERS. Yes.

Mr. CANNON. Whether they are citizens of the United States, Germany, Italy, Bulgaria, or any other country. Now, then, as I understand it, we have a treaty, made in time of peace with the principal nations with whom we are at war, that they shall not, notwithstanding the war, force our citizens who may be in such country into their army and we shall not force their citizens into our Army. Is that right?

Mr. GORDON. That is correct.

Mr. CANNON. The gentleman says it is correct. Now, then, I want to understand further. It was stated, whether true or not, that our ally, Italy, refuses to recognize the naturalization of Italian citizens in this country between a certain age, and the gentleman stated the maximum age to be 39 and the minimum age I do not recall—probably 18 or 20, whichever it was. Am I right about that?

The gentleman says it is correct. Now, I understand further, and without information, that there are a great many citizens of countries with which we are at war, and citizens of neutral countries and citizens of our allied countries, in the United States and not naturalized. Now, in that condition it seems to me the trouble as to the slackers comes about very largely from the fact that the Congress of the United States when it passed the law for conscription did not provide for the condition. And in many of our districts there are people in the coal

mines, perhaps, and in the munition factories, and upon the railroads that have been registered but exempted on the ground of noncitizenship in the United States. I understand there are some cases, and it has been admitted, where the Italians have gone into our service voluntarily and are subject to be taken as Italian subjects. Whether Italy would take them or not, being an ally, I do not know. Now, it seems to me we can not say that all of these people who under treaties with foreign governments not American citizens shall get out in 60 days. Well, they can not get out. Some of them might, here and there, but we will have great trouble in conveying our soldiers to the other side and shipping munitions and food products to them and to our allies in Europe on account of our insufficient shipping. The dissatisfaction with the present condition arises from the failure of Congress to enact proper legislation when we enacted the draft law under which we enrolled all our population, United States citizens and those who are not citizens, between the age of 21 and 31, and the noncitizens are exempted where drafted, throwing on the citizens the burden of furnishing the quota for themselves and also for the noncitizens. [Applause.] The noncitizens were not evenly distributed among the citizens in the various localities throughout the country.

Mr. BURNETT. Mr. Chairman, I yield five minutes to the gentleman from New York, my colleague on the committee [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman and gentlemen, the gentleman from Washington [Mr. JOHNSON] was greatly in error when he stated here a few moments ago that the bill that has been offered by the chairman of the Committee on Military Affairs [Mr. DENT] applied to any alien of any of the countries that are engaged in the war with Germany. That bill applies only to neutrals, and the present bill which—

Mr. JOHNSON of Washington. It applies to first-paper neutrals. It applies to declarants of neutral countries in the United States who have, as a result of being first-paper men, been taken into the Army.

Mr. SIEGEL. The countries that are not at war with Germany.

Mr. JOHNSON of Washington. Yes.

Mr. SIEGEL. And the bill we now have under consideration expressly and exclusively applies to all of those aliens who are natives or subjects of a country engaged in the war with Germany. And therefore both measures are not in contradiction with each other. The Dent measure applies to men who have come here from countries that are still neutral and not fighting Germany, and this measure applies to those men who are in the United States from such countries as are fighting Germany.

Now, the situation that confronts the average man from a city district, particularly New York, or in any other large city, is this: Take my congressional district, for example, or take the congressional district that is represented by my worthy colleague, Mr. LA GUARDIA, who is now in Italy and is doing his bit over there, fighting for America. [Applause.] In Mr. LA GUARDIA's district about 40 per cent of the men are aliens between the ages of 21 and 31. In my district the percentage is 42 or 43. What has been the result? We have found that in those districts the boy who was born here or the boy whose father became naturalized was taken at the ratio of 1 out of 6, while in other States, particularly the Southern States, only 1 out of 10 was selected, caused by the fact that the native born is greater in numbers and that the percentage of aliens is very small. And then we have another condition of affairs. We have men who came here 20 or 25 years ago, and brought along with them children, did not become citizens. And that applies a good deal to our friends from Great Britain and several of the other belligerent countries. They did not become citizens, with the consequence that their children are aliens to-day, so far as this country is concerned, and they neither enlist in our forces or go abroad to fight for Great Britain. And I feel that either a man coming from a country which is at war with Germany should fight under our flag, the same as our boys are doing, or he should go abroad and fight there. [Applause.] We can not go to work to make a selected class of those who will not become citizens of our own country, and who, when our own boys are going to war, sit idly by in the same block, in the same tenements, or on the same street and laugh at or ridicule the boy whose father became a citizen when he came here years ago.

Now, there has been some discussion here as to whether aliens have voluntarily enlisted, and I say, as far as the forces are concerned, that we have at the present time 76,000 men who are in the military forces of the country to-day. In times of war aliens can and have enlisted. Those 76,000 men are of the high type of aliens that you and I desire to have in this country. I know of no man here in the House who has stood for more

liberal immigration than I have. I stand for that kind of liberal immigration which is represented by our colleague, Representative LA GUARDIA, who is of Italian descent [applause], and when our Republic is in danger goes forward and fights. I do not stand for that kind of immigration which desires to have our protection and then refuses to fight for the country which has given them liberty, justice, a fair deal, and the same opportunity that all have here. [Applause.] We have the same benefits, and we should give the same service. I know that practically all immigrants and their children feel the same way, and are even now making every sacrifice that we require. It is because there are some with different ideas that the question is before us. The proper spirit is shown in the following from the New York Times of Sunday, February 24, 1918:

THE PARADE OF THE DRAFTED MEN.

On Washington's Birthday, in a snowstorm, 10,000 New York City men of the National Army marched down Fifth Avenue.

The marching men, the fighting men,
Glorious youth to the fore again!
A nation's hopes in the rolling beat
Of the drums and the tramp of marching feet;
A nation's heart with the men who go
In quest of a dream through the whirling snow.

Glorious youth to the fore again!
Courage battling with death, as when
Washington faced in a fateful hour
The doom pronounced by a haughty power.
On they go, on they go,
In quest of a dream through the whirling snow.

The marching men, the fighting men,
The soul of Lincoln alive again,
Alive in the sleet of the buffeting North,
Spurring the dark-skinned legions forth,
Shackled no longer, to rise and go
In quest of a dream through the whirling snow.

Glorious youth to the fore again
In the march of the Nation's fighting men!
Erin's host, Judea's sons,
Gaul and Slav with shouldered guns,
Welded in purpose bravely go
In quest of a dream through the whirling snow.

Men of America! Is it a dream—
The peace of the world and the fireside gleam?
A world from the Teuton curse released?
A world set free from the scourge of the beast?
Merely a dream as on ye go,
Tramp, tramp, tramp through the whirling snow?

Men of America! East and West,
North and South, have given their best
To mold as one a will of steel
That shall make the dream we fight for real!
Soldiers of justice, on ye go
For humanity's dream in the whirling snow!

(Elias Lieberman.)

[Applause.]

Mr. BURNETT. Mr. Chairman, how much time have we on this side?

The CHAIRMAN. The gentleman from Alabama has 5 minutes remaining and the gentleman from Wisconsin has 17 minutes.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. ROGERS. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Ohio makes the same request. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. TREADWAY].

The CHAIRMAN. The gentleman from Massachusetts is recognized for two minutes.

Mr. TREADWAY. Mr. Chairman, I have already expressed myself as being in favor of the Burnett bill. It seems to me that we have delayed its passage long enough. I hope before the afternoon is over the final vote may be taken upon it.

I wish to use the short space of time allotted to me in calling the attention of the committee to some interesting statistics which came to my attention yesterday in reference to the amount of war-risk insurance that has been taken out by soldiers and

sailors. I happened to call at the office of Commissioner Nesbitt yesterday and was given these figures, which seem to me to be extremely interesting.

The total mail received by the bureau on February 25 was 11,291 letters. There was in force on that date \$10,229,685,000 of insurance. There was in force last night—I called up this morning to see what the addition was overnight, or within 24 hours—and there was in force to-day \$10,400,313,500. The number of applications, including day before yesterday, was 1,262,447. Last night it was 1,284,665, showing the receipt yesterday of over 22,000 applications. The average amount of these policies day before yesterday was \$8,103. Yesterday the average was \$8,096. The highest number of applications received in any one day was 54,000. The highest amount written in any one day was \$501,622, or an average of \$9,289, showing how nearly all the men applying for insurance were taking their full allotment of \$10,000. In addition to the insurance there have been filed 1,327,342 applications for allotments and allowances. There have been 518,282 awards sent to the disbursing officer, of which 19,101 were sent day before yesterday. The number of employees in the department yesterday was 2,383, and in addition to that there are about 400 employed during the evening by the hour.

It seems to me that these statistics of the value of the war-risk insurance to the men in the service are well worth the House having a knowledge of. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. JAMES].

The CHAIRMAN. The gentleman from Michigan is recognized for three minutes.

Mr. JAMES. Mr. Chairman, at the outset I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JAMES. Mr. Chairman, it is true that we welcome aliens here to avoid oppression.

I do not believe that the fathers of the Constitution ever intended that we should offer any "harbor of refuge" to people who refuse to fight for the land that befriended them when they needed a friend.

It was never intended that our native born should do all the fighting and the alien slacker go "scot free."

We know what is in this alien-slacker bill; we do not know what is in the proposed treaties.

Those of us who favor this bill want our boys to do part of the easy work here at home and part of the fighting abroad, whereas men of the same views as those expressed by the gentleman from Ohio [Mr. Gordon] would have the alien slacker stay here and do all the easy work and hold down all the light jobs while our boys do all the fighting.

There has been a good deal of talk here about the Italians. I have thousands of them in my district, and few of them are slackers. They want to fight for this country and not for Italy.

I have been in correspondence with Hon. Robert Lansing, Secretary of State, for over two years in regard to the status of Italians and their sons.

According to our treaty with Italy a man who takes out his first and second papers is still regarded as a subject of Italy, according to the Italian law; and when these Italians were ordered to go back, although they were American citizens, they refused to go; but they want to fight for this country.

If a man were born here of Italian parents, even though he were a Member of Congress, and should go back to Italy he could be compelled to fight in the Italian Army; and, according to the statements of our Secretary of State, we could do nothing in such a case. I understand, however, from a letter received from him to-day that he intends to take care of those who have taken out their first and second papers and also those who are of American birth, and yet who, as I have said, according to our treaty with Italy, can be compelled to serve in the Italian Army.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. JAMES. Yes.

Mr. FLOOD. I think the gentleman is mistaken.

Mr. JAMES. At present such an American-born boy is not recognized as an American in any treaty with Italy. If he was a man born here of Italian parents—although a Member of Congress, as I say—if he got to Italy he could be compelled to fight in the Italian Army.

Mr. FLOOD. But that is in accordance with the Italian law.

Mr. JAMES. Yes. The Italian Government does not recognize our citizenship.

On January 10, 1916, I wrote the Secretary of State, in part, as follows:

MY DEAR SIR: Among my constituents are several thousand people of Italian birth. Many of them are American citizens and hundreds more have taken out their second papers. Many of them have been asked to come back to Italy and fight under the Italian flag. Very few have gone because they consider themselves American citizens. Seeing that they have not responded to the call to arms, they are afraid in case they went back to Italy they would be tried for desertion. They have asked me to write you and see what their standing would be in case they went back for a visit.

Yours, respectfully,

W. FRANK JAMES.

Under date of January 13 Mr. Lansing replied and sent me a copy of a circular entitled "Liability for military service in Italy of Italians in this country who have obtained or intend to obtain naturalization."

One statement in this circular reads in part:

Italian subjects are liable for service in the army between the ages of 18 and 39. * * * Naturalization of an Italian subject in a foreign country without consent of the Italian Government is no bar to military service. * * * A former Italian subject may visit Italy without fear of molestation when he is under the age of 16 years, but between the ages of 16 and 39 he is liable to arrest and forced military service if he has not previously reported for such service. * * * There is no treaty between the United States and Italy defining the status of former Italian subjects who have become American citizens.

Have several other letters regarding the matter, and when we declared war against Austria took the matter up again and called attention to the fact that it was even more important then, as it was likely that we would send some of these Italian born to Italy to fight for us against Austria, and they wanted to be positive that they could not be arrested for refusal to come back to fight for Italy when called several years ago.

Under date of December 14 Mr. Lansing stated that the matter would be taken up with the War Department and would then write me again.

Several days ago I received the following letter from Mr. Lansing, which indicates that our Government expects to take care of these Americans of Italian birth:

DEPARTMENT OF STATE,
Washington, February 21, 1918.

MY DEAR MR. JAMES: I have received your letter of February 16 inquiring further with regard to the status of Italian subjects in the United States, former Italian subjects who have become American citizens, and native American citizens of Italian parentage, who may enlist or be drafted in the United States Army and subsequently be sent to Italy. As I informed you in my letter of December 14, it was considered necessary in the first instance to obtain the views of the War Department on this matter. The War Department has expressed the view that it would be desirable to conclude an agreement with the Italian Government providing that such persons would not be regarded by that Government as liable to military service in Italy or liable to any penalty for failure to respond to the call of the Italian Government for the return of such persons to Italy for service in the Italian Army. The department is now undertaking to negotiate a general agreement with the Italian Government with respect to the conscription of Italian subjects in the United States, and an effort is being made to settle this question in conjunction with the proposed agreement.

Very sincerely, yours,

(Signed) ROBERT LANSING.

The Hon. W. FRANK JAMES,
House of Representatives.

The alien slacker holding down a good job, and who is willing to leave the boys in the land of his birth shed their blood for liberty and the boys in this land do the same while he lives in safety and ease, should have only one man in favor of him, and that is the Kaiser. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. STAFFORD. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio is recognized for four minutes.

Mr. FESS. Mr. Chairman, in the first place, I would like to call attention to the confusion quite evident in the committee on the significance of comprehension of the phrase "central powers." Some say that it includes only Germany and Austria-Hungary. Others claim that it includes more. Evidently the meaning of the author of the bill is more than Germany and Austria-Hungary, because it says, "in war with Germany or with any of the other central powers," making it plural in meaning, so that I would suggest that this be made clear, to be set out so as to include Germany, Austria-Hungary, and Bulgaria and Turkey.

Mr. BURNETT. That was the purpose of the Bankhead amendment, which was satisfactory to me for the very reason suggested by the gentleman.

Mr. FESS. I think that is wise.

Now, Members of the House, I am in entire sympathy with what has been said here about the necessity of requiring those who come for the shelter of the Government to be willing also to undergo its burdens. I am in entire sympathy with that idea, but I hope that all of us will recognize this embarrassment, that, while the status of a resident of the country, whether a citizen

or not, can be fixed by Congress by the authority of this Government, yet it is true that the relationship between citizens of other countries with this while resident here and the reciprocal relationship of our citizens with the same countries while resident outside of our own country is not so much a matter of legislation as of negotiations. That is a matter of treaty. Such relations are fixed by negotiations between nations.

If there is any violation of a treaty now existing, by this legislation, I recognize the strength of what has been said, and will certainly refuse to vote for any measure which does violate a treaty, because I do not think any Member of the House is willing to vote in direct violation of a treaty stipulation if he knows it to be such, and especially when that incubus or embarrassment is in process of being adjusted by negotiations now in action by the State Department.

Mr. BUTLER. Mr. Chairman, will the gentleman yield for a question?

Mr. FESS. Yes.

Mr. BUTLER. Would the gentleman submit the question of interpretation to the House of Representatives?

Mr. FESS. I will say to my good friend from Pennsylvania that on a diplomatic question that must be determined by the State Department I would prefer to leave it to the trained diplomats and the counselors of the State Department rather than to the best lawyer in this House, because, while the best lawyer in this House comprehends more than the technicalities in the State Department, yet he will not see the delicacy of the problem of the State Department as clearly as the Secretary of State and his counselor will, since their main business is confined to such questions. Therefore, with the Rogers amendment, I will have no hesitancy in voting for this bill, but if that amendment goes out it will be quite serious. I note a strong contention that this does not violate a treaty. Then I can not understand why we should hesitate to leave the amendment in the bill, for it can not hurt anything. But in case the bill does violate a treaty, then the amendment saves our good faith in the force of a treaty obligation. Mr. Speaker, I repeat my entire sympathy in the purpose of this measure to compel alien residents to either do their part toward bearing the burdens of the country or submit themselves to deportation. But I should very much prefer to leave the matter with the State Department to be worked out through diplomatic channels than to supersede that method by action by this House, especially so long as there is a doubt of our clear right in the face of existing treaties.

Mr. STAFFORD. I yield one minute to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, it seems to me that this whole question resolves itself down to this proposition: Shall aliens who have not patriotism enough to go home to fight for their own country, or who have not manhood enough to fight for the country of their adoption, be allowed to remain here to enjoy our opportunities while our boys are fighting for liberty and for justice and righteousness on foreign fields? Under this bill we do not compel anyone to join our Armies. We merely say to these aliens, who for their personal profit are living among us, "If you will not share our burdens you shall not enjoy our benefits." These profiteers at the expense of American manhood should either stay and fight or go and fight. [Applause.]

Mr. STAFFORD. I yield one minute to the gentleman from Massachusetts [Mr. PAIGE].

Mr. PAIGE. Mr. Chairman, I am in favor of this bill, and I am opposed to the amendment offered by my colleague [Mr. ROGERS]. The Rogers amendment does not voice the sentiments of Massachusetts. The Rogers amendment does not voice the sentiment of the homes that have sent the pride and hope of uncounted households out to fight for the flag. If the Rogers amendment is adopted, in my judgment we might as well have saved the time which has been occupied in discussion for the last two sessions of the House on this amendment, because it leaves the situation practically where it was when we commenced the consideration of the bill. I trust that the bill will pass, and that the Rogers amendment will be defeated. [Applause.]

Mr. STAFFORD. I have only one more speech. I hope the gentleman from Alabama will use his time.

Mr. BURNETT. I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, time and again in this discussion statements have been made that if this bill becomes a law certain nationals who are exempt from conscription in their old land will be conscripted under this bill, and particular reference has been made to the Irish. Now, may I be permitted to say that, in my opinion, in view of the fact that 30 per cent of our draft army are now of the Irish race, any Irish alien,

or any other alien, who, enjoying the protection of the Stars and Stripes here in America, is unwilling to fight for this country ought to be brought within the scope of this bill, and my words refer to all aliens. The Irish alien who is afraid to fight, if there be such a man, is unworthy of the land of his birth and the blood that flows in his veins. [Applause.] For that reason, representing a district which has a large and patriotic Irish-American element, with thousands of boys now under the colors "over there" and over here, and speaking for that district, I am in hearty accord with this bill, and I believe my district to a man stands back of me. [Applause.] The mothers and the fathers of these boys want this bill passed to-day. We have too long delayed, and I fervently hope that this day will see this bill enacted into law in this House.

Mr. BURNETT. Will the gentleman use his time? We have only one more speech.

Mr. STAFFORD. I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

The CHAIRMAN. That is all the time the gentleman has. The gentleman from New York is recognized for five minutes.

Mr. DEMPSEY. Gentlemen, it seems to me that the House is proceeding upon an erroneous basis when we debate what shall be done with the alien slacker. We all agree that the alien slacker shall be made to respond to service. We differ only as to the means which shall be employed to reach that end. Now, as I understand it, the State Department and the executive departments say to us that we are allies of Italy, Great Britain, and France, and they say to us that Great Britain, France, and Italy are to-day at the front fighting this war. It is not Americans as yet who are bearing the brunt of the fighting. It is the British, it is the French, it is the Italians who are bearing the brunt of the war at the present time. As I understand it, the State Department say to us that they believe they can make treaties with all of these, our allies, who are fighting our battles at the present moment, which will accomplish in good faith, in friendship, in amity with these, our allies, that which we seek to do by force. Now, gentlemen, is there any haste to force their hand? Is there any reason why we should do instantly and out of hand that which we seek to do by this bill? Can not we do it in a way to agree with our allies and friends? They have millions at the front where we have hundreds of thousands. Should we run the chance of having a disagreement and discord with them as a result of this?

Now, I am not saying that this bill should not pass; I am talking about the haste with which it should pass. I am talking about whether it should pass now or not. We are not going to be able to send any considerable number of men abroad until December. So that all this talk about our boys being at the front, shedding their blood, being in danger, is all anticipatory. But with our allies, with Great Britain, with France, and Italy, it is realization; it is not imagination; it is not anticipation. So I say there is not this haste except so far as we are concerned, and that, I am sure, we do not want to consider whether we shall make ourselves popular with our constituents and in the Nation at large, but whether we shall do that which is right and just and advisable as between us and our allies.

Now we come to a more serious question. We do not, any of us, differ as to what shall be accomplished. I am in favor of making the alien slacker do his part. The question is whether this is the advisable way to do it. If we are going to do it at all, if we are going to pass the bill, there can be no excuse whatever for excluding the Rogers amendment. There can be no excuse, particularly in view of this fact, that one of the circumstances that will be taken into consideration in construing this act will be the discussion upon this floor, and the fact that that amendment was offered; and if we fail to pass the Rogers amendment, it is a direct statement by this House that we do intend to flout our treaties, that we do intend to dishonor them, that we will not regard them. If the amendment had not been offered, if there had been no discussion, that could not be said. Now it can be said, and can we afford to permit that? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, as I have said all the time, if these treaties had been ratified and in operation there would be no use for this legislation, and the whole speech of the gentleman from New York who has just taken his seat is a temporizing policy. This does not interfere with treaties the Senate may ratify. If we pass this bill and send it to the Senate, the Senate will have the bill and the treaties also before it. If they ratify the treaties and if they are self-operating, they can amend the bill; but, gentlemen, for God's sake, do not let this legislation go over and let men from your district, boys in khaki, fight the battles of this country and of democracy and the alien slackers here dodge. Do not adopt the Rogers amendment, which

will virtually emasculate the bill. Members who are in favor of this legislation, let us have a straightforward, heroic, courageous bill that means something. [Applause.]

In conclusion I desire to say that this debate has gone far afield, and I have not tried to suppress it. The amendment that is pending is an amendment that I have offered, and I do not want anybody to misunderstand it. It was recommended by the Department of Labor, and I hope that it will pass. The distinguished gentleman from Illinois, the able ex-Speaker, referred to the impossibility of deporting these aliens. That is provided for and taken care of by permitting the President to make such rules and regulations as are necessary to carry it out. Not only that, but in the last section of the bill it is provided that the law shall not end at the expiration of the war, so that if these fellows undertake to throw themselves back here and say you can not deport me and that you can not conscript me, we can answer them by saying, "Just as long as you stay here you are subject to this deportation and it must be carried out." I ask for a vote, and hope that the amendment will be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired, all time has expired, and the question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

Mr. DYER. Mr. Chairman, I ask unanimous consent that the Burnett amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GORDON. Mr. Chairman, I make the point of order, if it is in order to do so, against that amendment as not being pertinent to the bill.

The CHAIRMAN. The Chair thinks it is too late to raise the point of order. The amendment has been discussed for hours.

Mr. GORDON. That amendment does not apply to anybody covered by this bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment proposed by the gentleman from Alabama [Mr. BANKHEAD].

Mr. ROBBINS. Mr. Chairman, let us have that amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk reported the Bankhead amendment.

Mr. ROBBINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBBINS. Would it be in order to amend that by striking out the words "Turkey and Bulgaria"?

The CHAIRMAN. That amendment would be in order.

Mr. ROBBINS. Then I offer that amendment, because we are not at war with those two countries.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the Bankhead amendment by striking out the words "Bulgaria and Turkey."

Mr. ROBBINS. And the word "and" should be substituted for the word "or."

The CHAIRMAN. Without objection, the amendment will be so modified. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 107, noes 6.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That this act shall not apply to accredited officials of foreign Governments nor their suites, families, guests, or servants.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I have been in the House quite a number of years, and in these years that I have had the privilege and honor of being a Member there have been many votes upon which gentlemen were sharply divided. I can not recall that there has ever been a vote when I could not reasonably understand why a man was led to his conclusion, but I frankly say that I can not understand how any man can look that flag in the face and vote for this bill. I can not understand how any man

can think of his country and vote for this bill. I can not see how any man with his hand on his heart and with knowledge of his country in his mind can vote for this bill. I say that in all seriousness and earnestness. Such reasoning as I can command leads me violently away from such a course. Many Members evidently believe in the bill, but I can not follow or understand their reasoning.

When this measure was first proposed last summer it was treated as a joke, as it ought to have been. The Committee on Foreign Affairs of the House took up the matter, considered it, and found plainly and clearly their limitations and the limitations this House ought to feel under, and stopped. I find that this bill was introduced on August 3, referred to the Immigration Committee, and reported back to the House on the following day. A magnificent lot of attention and care and study it must have received from the Committee on Immigration! It does not reflect, it can not reflect either the combined judgment or patriotism of that committee. If there is anything this country has had to fight since the Declaration of Independence was acknowledged by Great Britain it is that a man who is a citizen of this country shall not be coerced into the military service by any other country in the world. You can take the reports of the State Department of any year you choose, and I defy you, taking any year at random, with your eyes shut, to find one where three-fourths of the work of the State Department has not been directed to preventing Austria or Italy or Germany or Russia, and, years back, England from compelling our own citizens who were abroad into the military service of that country from which they or their immediate ancestors had come.

And we won. Many of the cases were left undecided, but somehow we won, as far as the individuals were concerned. If you pass this bill you stand up and repudiate your country and your history and the spirit of American institutions. You repudiate everything that has been done for 110 years to make the citizenship of this country stand for something in the world. You tell the nations of the world that all that we have been claiming in the past was rotten buncombe, and that we are a Nation of four flushers.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. I have only five minutes. I would be glad to yield if I can get more time.

Mr. WALSH. I would like to ask the gentleman what he thinks in respect to the effect of the treaties negotiated with England permitting this to be done?

Mr. MILLER of Minnesota. I am just about to come to that. That is an entirely different proposition, an avenue along which we should move. There is a right way and a wrong way to proceed. This way is the wrong way. The right way is to make treaties with countries concerned, just as our State Department is now successfully doing.

Mr. DEMPSEY. You do not need anything except the treaty for that?

Mr. MILLER of Minnesota. Not at all. And these treaties are being made now—already two are before the Senate for ratification. The Secretary of State says others will follow. You could not get Austria and Germany to consent to anything now, because we have no relations with them, but our allies are now making treaties with us to accomplish all the purposes of this bill. Then, too, Norway and Sweden and Denmark, I want to say to you, are not only interested in what you propose to do in this bill but have it very deeply at heart. And there are hundreds of thousands of their people in this country. These nations with whom we are at peace and amity we can, as we are, make treaties with them that will settle the whole question and settle it right according to law.

The rights of citizens of another country domiciled in the United States are fixed, first, by treaties; second, by international law. It is quite probable that the terms of this bill conflict with certain treaties we have made. It is certain that these terms conflict with such citizens' rights given them by international law. Treaties with sovereign nations whose nationals these citizens are is the only legal, the only American, way to proceed. We curse Germany, and rightly, because she violated treaties when she thought their observance no longer served her purposes. In this bill are we not doing precisely the same thing?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I ask that the gentleman may have five minutes more.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Minnesota be extended for five minutes. Is there objection?

Mr. BURNETT. Mr. Chairman, I object. The gentleman has just come in, and if he had been here listening to the debate on this bill he would have more knowledge about it.

Mr. MILLER of Minnesota. Mr. Chairman, wait a minute. [Cries of "Vote!"] Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. When a gentleman objects to a unanimous-consent request has he the right, under the rules of this House, to cast aspersions upon another Member and make a speech?

Mr. BURNETT. I withdraw any statement I made, and I object to the extension of time.

Mr. MILLER of Minnesota. The gentleman will have to do some more objecting before he gets this bill through.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. MILLER of Minnesota. He has a right to object.

The CHAIRMAN. The Chair will state he understood the remark of the gentleman from Alabama was withdrawn.

Mr. MILLER of Minnesota. No; he did not withdraw it; he can not withdraw it.

Mr. TEMPLE. Mr. Chairman—

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. BURNETT. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BURNETT. I desire to move that all debate on this section be closed in 15 minutes.

The CHAIRMAN. The gentleman from Pennsylvania has been recognized. Does the gentleman yield for that purpose?

Mr. TEMPLE. Provided that it does not affect my rights under the recognition.

Mr. BURNETT. To this section and all amendments thereto.

The CHAIRMAN. The debate to close when?

Mr. BURNETT. In 10 minutes.

The CHAIRMAN. The gentleman does not intend to include within the 10 minutes the 5 minutes now allowed to the gentleman from Pennsylvania?

Mr. TEMPLE. I would say, if I may have the gentleman's attention, I will yield for the chairman of the committee to make that motion, provided it does not affect the rights I have under the recognition that has been already granted.

Mr. BURNETT. I will yield five minutes of that time to the gentleman.

The CHAIRMAN. The gentleman from Alabama moves—

Mr. CANNON. Did the gentleman have recognition?

The CHAIRMAN. The Chair had recognized the gentleman from Pennsylvania before the gentleman from Alabama.

Mr. CANNON. Then his motion is not in order.

Mr. MILLER of Minnesota. I make the point of order the motion is out of order, that the Chair had already recognized the gentleman from Pennsylvania.

The CHAIRMAN. But the gentleman from Pennsylvania yielded for that purpose, the Chair understood.

Mr. MILLER of Minnesota. I will say to the gentleman I propose to offer an amendment to the motion, if it is put, and it may take some time before the amendments are all disposed of.

Mr. TEMPLE. I consented on a condition, and I am afraid the condition can not be met.

Mr. RAGSDALE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Pennsylvania has the floor, and nobody else can be recognized except by unanimous consent.

The CHAIRMAN. No one can take the gentleman off the floor except by his consent. The Chair understood he yielded to the gentleman from Alabama to make a motion.

Mr. CANNON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. The gentleman from Pennsylvania having been recognized and entitled under the rule to five minutes, he loses the recognition if he yields. Under the rule he can not barter away the rights of the balance of the members of the committee for his specific purpose without losing his recognition.

Mr. TEMPLE. My statement was that I would yield only on the condition that I would not lose those rights.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania for five minutes.

Mr. TEMPLE. Mr. Chairman, I am very much interested in this bill, and I do not understand it as it is understood by the gentleman who spoke last. This is not a bill to compel aliens to serve in the armies of the United States against their will. It is true the supporters of the bill hope that it will have the effect of bringing some of these aliens into the Army, but it does not require them to serve. It merely says that if any alien claims the exemption which we recognize that he has the right to claim, on the ground of alienage, he shall thereafter be ineligible to become an American citizen.

Now, we have the right to say what kind of alien we are willing to naturalize. We have a right to say if a man will not fight for us when we need him that he need not ask us for the privilege of citizenship. [Applause.] This bill does not propose to compel him to serve as a soldier in the Army of the United States, and for that reason I feel quite sure that it does not violate the treaty under which we have bound ourselves not to compel aliens to serve in our armies. Italy does not recognize our naturalization. That is a matter for Italy to determine. It is up to us to protect an Italian-born naturalized American citizen if the occasion ever arises to do so. We have never had any trouble with Italy of that kind to amount to anything. We are not at all likely to have any trouble in the future. This bill is not going to make trouble, for in passing it we are not violating any treaty.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. TEMPLE. Just for a question.

Mr. JOHNSON of Washington. It is being recognized now that we have been violating treaties with first-paper citizens of neutral countries who are drafted into our Army and that these men are now being dropped out of the Army.

Mr. TEMPLE. Yes; aliens are being discharged from the Army.

Mr. JOHNSON of Washington. For fear of violating treaties.

Mr. TEMPLE. For fear of violating treaties.

Mr. JOHNSON of Washington. Thereby making one kind of fish out of that form of alien and another kind of fish out of the other kind.

Mr. TEMPLE. That action has to do with citizens of neutral nations; this bill, on the contrary, applies only to citizens or subjects of nations now at war with Germany.

The gentleman who immediately preceded me said that Sweden, Norway, and Holland are vitally interested in this bill. They need not be. It does not touch a citizen of any one of those countries. It applies only to the subjects of nations that are at war with Germany or with other of the central powers. Sweden is not at war with Germany; Norway is not at war with Germany. It does not touch a citizen or a subject of any one of those neutral powers.

Mr. MILLER of Minnesota. The gentleman is entirely correct. Their interest arises from this fact: That we departed from our traditional policy—the principle heretofore followed by us and insisted upon by every nation of the world.

Mr. TEMPLE. We have not departed in the slightest. We have never—

Mr. MILLER of Minnesota. I differ with the gentleman.

Mr. TEMPLE. We have never asked any nation to grant our citizens naturalization in their country on any terms except the terms that might please the Government of that country. [Applause.] And they can not ask us.

Mr. HARDY. Will the gentleman yield for one question?

Mr. TEMPLE. Very gladly.

Mr. HARDY. When Germany says to the women of Belgium, "If you do not work in the trenches, we will give you no bread," is that forcing them to work in the trenches?

Mr. TEMPLE. I do not care to discuss with any kind of approval the policies of the German Government nor to find any parallel whatever between that course of conduct and that which is proposed in this bill. There is no parallel. [Applause.]

Mr. HARDY. Is not there such a thing as a moral force as well as physical force?

Mr. TEMPLE. There is, and the moral force, let me say, lies with us. We have the right to say to an alien that will not assume our burdens that he can not share in our privileges. [Applause.] The moral right is with us.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. I have not time to yield further. There is one other matter in this bill which I would like to refer to.

The CHAIRMAN. The time of the gentleman from Pennsylvania has just expired.

Mr. TEMPLE. Mr. Chairman, may I ask for five minutes more by unanimous consent?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman, a few minutes ago the gentleman from Minnesota [Mr. MILLER] was taking the opposite side of the question and was delivering a very interesting talk upon this subject, and he asked unanimous consent to proceed for five minutes more, and the gentleman from Alabama [Mr. BURNETT] objected. I would like to know if he is going to make fish of one and fowl of the other?

Mr. BURNETT. Mr. Chairman, I object to that statement. The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. TEMPLE. Mr. Chairman, if I believed that this bill would violate any treaty of the United States, I would vote against the bill. For that reason I am very much in favor of putting into the bill the Rogers amendment, which distinctly affirms that it does not violate and shall not be so interpreted as to violate a treaty. I believe that the bill without that amendment is not a violation of a treaty. I believe that it is not at all out of harmony with the promises we have made. Therefore I am willing to say so in the bill itself. What objection can there be to that on the part of a man who believes that it is not violating a treaty?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. MOORE of Pennsylvania. Does it not make us perfectly safe on the international question?

Mr. TEMPLE. Yes. It makes us perfectly safe on the international question. I am in favor of the bill, because we have a right to say on what terms we shall make American citizens of foreigners who come to our country. I am in favor of the amendment because it places us where we have always stood—on safe, moral ground. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. KELLEY of Michigan. I would like to inquire how long it would take to determine whether this violates any treaty?

Mr. TEMPLE. I do not care how long it takes. If a moral question is involved I will take all the time that is necessary to determine it. It is more important than the service of 100,000 men.

Mr. KELLEY of Michigan. But the practical value of this legislation is its immediate need.

Mr. TEMPLE. The practical value of it is not going to be very great.

Now, in regard to the last clause of the first paragraph in the first section, "as soon as practicable to be deported to the country of which he is a subject or citizen," I would be better satisfied with the bill if that clause were not there, but I do not think that it is particularly dangerous, because it will not be practicable to deport them. In the district that I have the honor to represent, according to the census of 1910 there were 92,000 men over 21 years of age, and 38,000 of these men over 21 were foreign born. Our mills and our mines—the coal mines that we needed this winter, that we shall need next summer—would practically stop operation if those aliens were deported. I am going to vote for the bill in spite of that clause, because I do not think it will be practicable to deport them. We can not get ships enough to take food and munitions and our own soldiers. It will not be practicable to deport these aliens very soon. Therefore that particular clause will not hinder my voting for the bill, especially if the Rogers amendment stays in it. [Applause.]

Mr. BURNETT. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this section and all amendments thereto do now close.

Mr. MILLER of Minnesota. Mr. Chairman, I move to amend by inserting after the language used by the gentleman, "to be closed," the words "in two hours."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. MILLER of Minnesota. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—yeas 7, noes 44.

Mr. MILLER of Minnesota. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota demands tellers.

Mr. TEMPLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TEMPLE. The amendment that was presented to the House was an amendment offered by the gentleman from Minnesota [Mr. MILLER] to strike out the last word. I ask if the debate on that amendment has been exhausted?

The CHAIRMAN. The pro forma amendment was withdrawn. The gentleman from Minnesota [Mr. MILLER] asks for tellers. All those in favor of taking this vote by tellers will

rise and stand until they are counted. [After counting.] Six gentlemen have arisen—not a sufficient number.

So the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the motion of the gentleman from Alabama [Mr. BURNETT] that the debate on this section and all amendments thereto be now closed.

Mr. MILLER of Minnesota. I offer another amendment—to insert, after the language used by the gentleman in his motion, the words "in 20 minutes."

The CHAIRMAN. The gentleman from Minnesota moves to amend the motion made by the gentleman from Alabama by inserting the words "in 20 minutes." The question is on the amendment of the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. MILLER of Minnesota) there were—ayes 12, noes 89.

Accordingly the amendment was rejected.

Mr. MILLER of Minnesota. Mr. Chairman, I offer another amendment—to insert, after the language used by the gentleman from Alabama, the words "in five minutes."

Mr. WALSH. Mr. Chairman, I move a further amendment.

The CHAIRMAN. What is the amendment proposed by the gentleman from Massachusetts?

Mr. WALSH. The time to be used by the gentleman from Minnesota [Mr. MILLER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] moves to amend the amendment by providing that the five minutes shall be used by the gentleman from Minnesota [Mr. MILLER].

Mr. CRISP. Mr. Chairman, I make the point of order that it is not in order to make a motion to close debate, coupling up with it a statement of who shall control the debate, and I make the further point that the motion of the gentleman is dilatory. [Applause.]

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Georgia. The question is on the motion of the gentleman from Minnesota.

Mr. MADDEN. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. To make a parliamentary inquiry.

The CHAIRMAN. The gentleman will please state it.

Mr. MADDEN. I want to know whether the gentleman from Georgia can make two points of order at the same time.

The CHAIRMAN. The Chair understands he made only one point of order. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. MILLER of Minnesota) there were—ayes 71, noes 44.

Accordingly the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Alabama as amended.

Mr. BURNETT. I ask unanimous consent that the gentleman from Minnesota may have five minutes [applause], and that I may have five minutes for reply, and that all debate on the section be then closed.

Mr. KEARNS. I object.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Minnesota be allowed five minutes, and that he, the gentleman from Alabama, be allowed five minutes in reply.

Mr. BURNETT. And that all debate on this section shall then be closed.

The CHAIRMAN. And that all debate on this section shall then be closed. Is there objection?

Mr. WALSH. I make the point of order that that request is not in order until the motion has been disposed of.

The CHAIRMAN. A request for unanimous consent is always in order. Is there objection?

Mr. DYER. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri objects. The question is on the motion made by the gentleman from Alabama as amended.

The motion as amended was agreed to.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] is recognized for five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman has the floor.

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. I would like to know whether the gentleman has the right to the floor or not. I make the point of order that he has not.

The CHAIRMAN. The Chair has recognized the gentleman.

Mr. FOSTER. I make the point of order that the gentleman from Minnesota [Mr. MILLER] having once spoken on the amendment has no right to speak again. His motion was to strike out the last word, and that has not been withdrawn.

Mr. MOORE of Pennsylvania. I make the point of order that the gentleman's point comes too late.

The CHAIRMAN. There is so much confusion in the Hall that the Chair can not hear what gentlemen are saying. The Chair would like to hear what the gentleman from Illinois [Mr. FOSTER] is saying. The committee will be in order.

Mr. FOSTER. I make the point of order that the gentleman moved to strike out the last word and spoke five minutes upon that amendment, and that amendment has not been withdrawn. Now he rises again to speak on the same amendment. I insist that he has no right to recognition.

The CHAIRMAN. The Chair understood that the gentleman from Alabama [Mr. BURNETT] made a motion that all debate close. Then the gentleman from Minnesota moved to amend, to close debate in five minutes, and that amendment offered by the gentleman from Minnesota was agreed to. The Chair thought, and believes now, that the intention of the committee was to give the gentleman from Minnesota that five minutes. [Applause.] The gentleman from Minnesota is recognized for five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, when the gentleman from Alabama [Mr. BURNETT] a few moments ago objected to the request for unanimous consent, so kindly made by one of our colleagues, that I might have five minutes more, he coupled with the objection the very generous observation that had I been on the floor this afternoon where I belonged I would not now be asking for five additional minutes. Now, I do not blame the gentleman from Alabama at all for making that observation. I know that he is so interested in this bill that he is absolutely blind to everything else on the face of the earth. [Laughter.] I have been here on the floor of the House all the afternoon, ever since the House convened. I have not sat directly in front of the gentleman from Alabama, for that is not where I belong. I have been here attending to business. I have not been trying to inject myself into the debate every two minutes, but I did hope that before the debate closed I would have an opportunity to express my views briefly and tersely. I know that the gentleman from Alabama is very glad to apologize for that observation which he made, and his apology is now accepted, with many thanks. [Laughter and applause.]

But, seriously, gentlemen of the House, I believe that we are going to turn the clock a long way back. I understand the temper of the membership of the House, and have understood it for three weeks. It is the disposition to pass this bill anyhow. I think I know from whence comes the voice asking for its passage, and it is no credit to them and less credit to us if we do not sit down carefully and analyze the situation and take that firm stand our judgment leads us to.

Now, let us see as to one or two things. In the first section of the bill it says that any alien eligible under existing law to become a citizen, who does not enter the United States Army but asks to be exempt or for whom some one else asks exemption is to be deported and never can become a citizen of the United States.

Now, take some cases, and there are hundreds of them. Here is a Greek, an Italian, an Englishman, an Irishman, if you please, who is here in this country, of military age, and who is willing to fight. He is desirous of fighting. He is drafted. He wants to go, however, and fight with his own people in his own country. I know of many such cases, and I have asked for some to be exempted myself on the condition that they would be immediately transferred to the army of the country that they came from. Now, that can not be done under this bill, and they could never thereafter become citizens of the United States. This does not say that they may be deprived of the right of citizenship; it says that they shall be deprived of the right of citizenship. This takes from them a right guaranteed by treaty and international law. To deny a person the right to citizenship under such conditions would be to deny him all rights under the favored-nations clause.

Do not talk to me about there being no coercion in the bill. It is coercion with a big club and sharp nails in the club. Why, when you give to a man the option whether or not he will go to a foreign country or stay here and fight in the Army, that is coercion. Let us exercise that coercion under the authority we get from treaties made, not in violation of treaties. Very likely it may be that he is in a condition where he can not get out without a serious loss, in which event there is serious coercion. I do not want to defend any slacker. If there is one

thing on earth that I hope to see it is that every man capable of bearing arms will be fighting in the army of one of the allies until victory comes.

Mr. MEEKER. Will the gentleman yield? How many years does the gentleman think it will take for these fellows so eager to fight to get there?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I wish that I had time to answer the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 5. That this act shall only remain in force during the continuance of the war with Germany, except as to the provisions of section 1 hereof.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 8, after the word "the" and before the word "war," insert the word "existing," and, on the same line and page, strike out the words "with Germany."

Mr. BURNETT. Mr. Chairman, that amendment is satisfactory.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BURNETT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BURNETT. Mr. Speaker, I demand a separate vote on the Rogers amendment, and on that I demand the yeas and nays.

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] If not, the Chair will put them en gross. The question is on agreeing to the amendments, except the Rogers amendment.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the Rogers amendment.

The Clerk read as follows:

Page 2, line 4, after the word "citizen" insert the following: "Provided, however, That this act shall not be construed to supersede the provisions of any existing treaty with such country the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service."

The SPEAKER. The question is on agreeing to the Rogers amendment, and on that the gentleman from Alabama demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 234, not voting 63, as follows:

YEAS—131.

Anthony	Dupré	Helm	Morin
Ashbrook	Edmonds	Hensley	Mott
Barkley	Elliott	Hersey	Mudd
Barnhart	Esch	Hicks	Nelson
Beakes	Evans	Holland	Olney
Beshlin	Fess	Humphreys	Osborne
Black	Fields	Igoe	Parker, N. J.
Blanton	Fisher	Johnson, Wash.	Peters
Borland	Flood	Juul	Platt
Buchanan	Foss	King	Pou
Caldwell	Foster	Kitchin	Ragsdale
Cannon	Francis	Lehlbach	Rainey
Cantrill	French	Lenroot	Randall
Cary	Gandy	Linthicum	Rayburn
Claypool	Gard	London	Reavis
Collier	Garner	Loneragan	Rogers
Connally, Tex.	Garrett, Tenn.	Longworth	Romjue
Connally, Kans.	Gillett	Lunn	Rose
Cooper, Wis.	Glass	McArthur	Sanders, N. Y.
Cox	Glynn	McKinley	Sanford
Crago	Godwin, N. C.	Madden	Scott, Pa.
Cramton	Gordon	Mansfield	Shackelford
Davidson	Green, Iowa	Mapes	Shallenberger
Davis	Greene, Vt.	Merritt	Sherwood
Dempsey	Griest	Miller, Minn.	Shouse
Denton	Hamlin	Montague	Snook
Dixon	Hardy	Moore, Pa.	
Doremus	Harrison, Va.	Moore, Ind.	

Stafford
Stedman
Sterling, Ill.
Stevenson
Strong

Summers
Temple
Templeton
Tilson
Vare

Venable
Volstead
Waldow
Watson, Pa.
Watson, Va.

White, Me.
White, Ohio
Wilson, Tex.

NAYS—234.

Alexander	Ellsworth	Little	Schall
Almon	Elston	Littlepage	Scott, Mich.
Anderson	Emerson	Lobeck	Scully
Aswell	Farr	Lufkin	Sears
Austin	Ferris	Lundeen	Sells
Ayres	Focht	McAndrews	Siegel
Bacharach	Fordney	McClintic	Sims
Baer	Frear	McCulloch	Sinnott
Bankhead	Freeman	McFadden	Sisson
Bell	Fuller, Ill.	McKenzie	Slayden
Blackmon	Fuller, Mass.	McKeown	Slomp
Bland	Gallagher	McLaughlin, Mich.	Sloman
Booher	Gallivan	McLaughlin, Pa.	Smith, Idaho
Bowers	Garland	McLemore	Smith, Mich.
Brand	Garrett, Tex.	Magee	Smith, C. B.
Brodbeck	Goodall	Martin	Smith, T. F.
Browne	Goodwin, Ark.	Mason	Snyder
Browning	Gould	Mays	Stegall
Brumbaugh	Graham, Ill.	Meeker	Stephens, Miss.
Burnett	Gray, Ala.	Miller, Wash.	Stiness
Burroughs	Greene, Mass.	Moon	Sullivan
Butler	Hadley	Morgan	Sweet
Byrnes, S. C.	Hamill	Neely	Swift
Byrns, Tenn.	Haskell	Nichols, Mich.	Switzer
Campbell, Kans.	Hastings	Nolan	Tague
Campbell, Pa.	Hawley	Norton	Taylor, Ark.
Candler, Miss.	Hayden	Oldfield	Taylor, Colo.
Caraway	Hayes	Oliver, Ala.	Thomas
Carlin	Heaton	Oliver, N. Y.	Thompson
Carter, Mass.	Heflin	O'Shaunessy	Tillman
Carter, Okla.	Helvering	Overmyer	Timberlake
Chandler, Okla.	Hilliard	Overstreet	Tinkham
Church	Howard	Padgett	Treadway
Clark, Fla.	Hull, Iowa	Paige	Van Dyke
Clark, Pa.	Hull, Tenn.	Park	Vestal
Classon	Hutchinson	Parker, N. Y.	Vinson
Cooper, Ohio	Ireland	Phelan	Voigt
Cooper, W. Va.	Jacoway	Polk	Walker
Costello	James	Powers	Walsh
Crisp	Johnson, Ky.	Pratt	Walton
Currie, Mich.	Jones, Va.	Purnell	Ward
Dale, N. Y.	Kearns	Quin	Wason
Dale, Vt.	Kehoe	Raker	Webb
Darrow	Kelley, Mich.	Ramsey	Welling
Decker	Kelly, Pa.	Ramseyer	Welty
Denison	Kennedy, Iowa	Rankin	Whaley
Dewalt	Kennedy, R. I.	Reed	Wheeler
Dickinson	Kettner	Riordan	Williams
Dies	Key, Ohio	Robbins	Wilson, Ill.
Dill	Kiess, Pa.	Roberts	Wingo
Dillon	Kincheloe	Robinson	Winslow
Dominick	Kinkaid	Rodenberg	Wise
Dooling	La Follette	Rowe	Wood, Ind.
Doolittle	Langley	Rubey	Woods, Iowa
Doughton	Larsen	Russell	Woodyard
Dowell	Lazaro	Sabath	Wright
Drane	Lee, Ga.	Sanders, Ind.	Young, N. Dak.
Dyer	Leshner	Sanders, La.	Young, Tex.
Eagan	Lever	Saunders, Va.	

NOT VOTING—63.

Britten	Fairfield	Johnson, S. Dak.	Rowland
Capstick	Flynn	Jones, Tex.	Rucker
Carew	Good	Kahn	Scott, Iowa
Chandler, N. Y.	Graham, Pa.	Keating	Small
Coady	Gray, N. J.	Knutson	Snell
Copley	Gregg	Kraus	Steele
Crosser	Hamilton, Mich.	Kreider	Steenerson
Curry, Cal.	Hamilton, N. Y.	LaGuardia	Stephens, Mebr.
Dallinger	Harrison, Miss.	Lea, Cal.	Sterling, Pa.
Dent	Haugen	McCormick	Talbott
Drukker	Heintz	Maher	Towner
Dunn	Hollingsworth	Mann	Watkins
Eagle	Hood	Mondell	Weaver
Estopinal	Houston	Nicholls, S. C.	Wilson, La.
Fairchild, B. L.	Huddleston	Porter	Zihlman
Fairchild, G. W.	Husted	Price	

So the Rogers amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. HAMILTON of New York (for Rogers amendment) with Mr. SNELL (against).

Mr. DUNN (for Rogers amendment) with Mr. DALLINGER (against).

Until further notice:

Mr. WILSON of Louisiana with Mr. ZIHLMAN.

Mr. CAREW with Mr. BRITTEN.

Mr. COADY with Mr. CHANDLER of New York.

Mr. CROSSER with Mr. COPLEY.

Mr. DENT with Mr. CURRY of California.

Mr. EAGLE with Mr. BENJAMIN L. FAIRCHILD.

Mr. ESTOPINAL with Mr. GEORGE W. FAIRCHILD.

Mr. FLYNN with Mr. FAIRFIELD.

Mr. GREGG with Mr. GOOD.

Mr. HARRISON of Mississippi with Mr. GRAHAM of Pennsylvania.

Mr. HOOD with Mr. GRAY of New Jersey.

Mr. HOUSTON with Mr. HAMILTON of Michigan.

Mr. HUDDLESTON with Mr. HOLLINGSWORTH.

Mr. JONES of Texas with Mr. HUSTED.
 Mr. KEATING with Mr. KAHN.
 Mr. LEA of California with Mr. MONDELL.
 Mr. MAHER with Mr. ROWLAND.
 Mr. NICHOLLS of South Carolina with Mr. STEENERSON.
 Mr. PRICE with Mr. TOWNER.
 Mr. RUCKER with Mr. SCOTT of Iowa.
 Mr. SMALL with Mr. DRUKKER.
 Mr. STEELE with Mr. CAPSTICK.
 Mr. STEPHENS of Nebraska with Mr. JOHNSON of South Dakota.

Mr. STERLING of Pennsylvania with Mr. KNUTSON.
 Mr. TALBOTT with Mr. KREIDER.
 Mr. WATKINS with Mr. HEINTZ.
 Mr. WEAVER with Mr. HAUGEN.
 Mr. DENT. Mr. Speaker, I desire to vote "aye."
 The SPEAKER. Was the gentleman in the Hall listening?
 Mr. DENT. I was not.
 The SPEAKER. Then the gentleman can not vote.
 Mr. CROSSER. I desire to vote "aye."
 The SPEAKER. Was the gentleman in the Hall listening?
 Mr. CROSSER. I was in the Hall, but I do not know whether my name was called when I was in the Hall or not.
 The SPEAKER. The gentleman does not bring himself within the rule.

Mr. KNUTSON. Mr. Speaker, I desire to vote "no."
 The SPEAKER. Was the gentleman in the Hall listening?
 Mr. KNUTSON. I was called out just for a few moments—
 The SPEAKER. The gentleman can not vote.
 The result of the vote was announced as above recorded.
 Mr. JOHNSON of Washington. Mr. Speaker—
 The SPEAKER. For what purpose does the gentleman rise?
 Mr. JOHNSON of Washington. I desire at the proper time to offer a motion to recommit.

The SPEAKER. The Chair will let the gentleman know. The question is on the engrossment and third reading.
 The bill was ordered to be engrossed and read the third time, was read the third time.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to move to recommit the bill with instructions.

The SPEAKER. Is the gentleman opposed to the bill?
 Mr. JOHNSON of Washington. I am.
 The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JOHNSON of Washington moves to recommit the bill to the Committee on Immigration and Naturalization, with instructions to report the same forthwith with an amendment striking out all after the enacting clause and inserting the following:

"That during the existing emergency the duly accredited military representatives of any country engaged in war with any country with which the United States is now, or during the continuation of said emergency may be hereafter, at war, may, subject to the provisions of this act, draft into the military or naval service of their respective countries such of their citizens or subjects domiciled or resident in the United States as are not already in the military or naval service of the United States, and for the purposes of said draft of aliens domiciled or resident in the United States the President shall, on the request of said countries, presented through their diplomatic representatives, furnish to said representatives a full and complete list of all the citizens or subjects of the country making the request who registered under the provisions of an act entitled "An act to authorize the President to increase the Military Establishment of the United States," approved May 18, 1917. The President is further authorized and empowered to procure within 90 days of the passage of this act the registration of all other male aliens between the ages of 18 and 45, both inclusive, domiciled in the United States, and upon the completion of such supplemental registration shall on request furnish a full and complete list thereof to the respective diplomatic representatives of said countries of which the said aliens may be citizens or subjects. For the purposes of said supplemental registration the President shall have all the authority conferred by said act of May 18, 1917, and he may prescribe such terms, conditions, and regulations for the operation of said draft as he may deem necessary.

"Sec. 2. That within 15 days after the passage of this act the President may notify all countries engaged in a war with any country with which the United States is now or may be hereafter at war of the enactment of same, and through appropriate diplomatic channels shall ascertain what action said countries may desire to take under the provisions of this act.

"Sec. 3. That the President is authorized to detail such officers and men of the military forces of the United States to cooperate with and assist the military representatives of foreign countries in the operation of the draft as he may deem expedient, and he may cause aliens drafted to be summoned and to be detained temporarily at such places of concentration as he may designate, and may render such assistance in transporting or deporting such aliens as he may think proper.

"Sec. 4. That the penalties prescribed in the aforesaid act of May 18, 1917, shall apply to violations of this act.

"Sec. 5. That any alien who shall willfully refuse or fail to present himself for registration, or to submit thereto, or to appear in answer to any summons issued under authority of this act, shall be taken into custody, and delivered either to the military representatives of the country of which he may be a citizen or subject, or to such commanding officer of the United States military forces as the President may direct.

"Sec. 6. That citizens or subjects of the enemy country or of countries allied with the enemy may be drafted for and assigned to such nonmilitary occupation as the President may prescribe.

"Sec. 7. That the provisions of this act shall not apply to the citizens or subjects of countries who by the provisions of any treaty with the United States are protected from draft for military purposes.

"Sec. 8. That this act shall take effect upon its passage."

During the reading of the above,

Mr. BURNETT. Mr. Speaker, I think enough of the bill has been read to show that it is subject to the point of order, and I make the point of order against the bill that it is not in order. It is a conscription bill and not in order on this bill. The same kind of a question came up in the Committee of the Whole House on the state of the Union, something similar to that, and it was so ruled by the Chairman of that committee.

Mr. JOHNSON of Washington. Mr. Speaker, I do not care to contest the point of order, although I think it is in order. I desire to ask unanimous consent that the remainder of the bill may be placed in the Record.

The SPEAKER. The gentleman from Washington asks unanimous consent that the remainder of the amendment or instructions be printed in the Record. Is there objection? [After a pause.] The Chair hears none. The point of order is sustained. The question is, Shall the bill pass?

Mr. BURNETT. Mr. Speaker, on that I demand the yeas and nays.

Mr. WALDOW. Mr. Speaker, I demand the yeas and nays on that vote.

The SPEAKER. The gentleman from New York—

Mr. BURNETT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays. Evidently there is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 344, nays 21, answered "present" 2, not voting 61, as follows:

YEAS—344.

Alexander	Dillon	Hicks	Morgan
Almon	Dixon	Hilliard	Mudd
Anderson	Dominick	Holland	Neely
Ashbrook	Dooling	Howard	Nelson
Aswell	Doolittle	Hull, Iowa	Nichols, Mich.
Austin	Doremus	Hull, Tenn.	Nolan
Ayres	Doughton	Hutchinson	Norton
Iacharach	Dowell	Igoe	Oldfield
Baer	Drane	Ireland	Oliver, Ala.
Bankhead	Dupré	Jacoway	Oliver, N. Y.
Barkley	Dyer	James	Olney
Barnhart	Eagan	Johnson, Ky.	Osborne
Beakes	Edmonds	Jones, Va.	O'Shaunessy
Bell	Elliott	Juhl	Overmyer
Beshlin	Ellsworth	Kearns	Overstreet
Blackmon	Elston	Kehoe	Padgett
Bland	Emerson	Kelley, Mich.	Paige
Blanton	Esch	Kelly, Pa.	Park
Booher	Evans	Kennedy, Iowa	Parker, N. J.
Borland	Farr	Kennedy, R. I.	Parker, N. Y.
Bowers	Ferris	Key, Ohio	Peters
Brand	Fess	Kieess, Pa.	Phelan
Brodbeck	Fields	Kiucheloc	Polk
Browne	Fisher	King	Powers
Browning	Focht	Klukaifd	Pratt
Brumbaugh	Fordney	Kitchin	Purnell
Buchanan	Foss	Knutson	Quin
Burnett	Foster	La Follette	Ragsdale
Burroughs	Francis	Langley	Rainey
Butler	Frear	Larsen	Raker
Byrnes, S. C.	Freeman	Lazaro	Ramsey
Byrns, Tenn.	French	Lee, Ga.	Ramseyer
Campbell, Kans.	Fuller, Ill.	Lehlbach	Randall
Campbell, Pa.	Fuller, Mass.	Lenroot	Rankin
Candler, Miss.	Gallagher	Leshner	Rayburn
Cannon	Gallivan	Lever	Reavis
Cantrill	Gandy	Linthicum	Reed
Caraway	Gard	Little	Riordan
Carlin	Garland	Littlepage	Robbins
Carter, Mass.	Garner	Lobeck	Roberts
Carter, Okla.	Garrett, Tex.	Lonergan	Robinson
Cary	Gillett	Longworth	Rodenberg
Chandler, Okla.	Glass	Lufkin	Rogers
Church	Glynn	Lundeen	Romjue
Clark, Fla.	Godwin, N. C.	McAndrews	Rose
Clark, Pa.	Goodall	McArthur	Rouse
Classon	Goodwin, Ark.	McClintic	Rowe
Collier	Gould	McClulloch	Rubey
Connolly, Kans.	Graham, Ill.	McPadden	Russell
Cooper, Ohio	Gray, Ala.	McKenzie	Sabath
Cooper, W. Va.	Green, Iowa	McKeown	Sanders, Ind.
Cooper, Wis.	Greene, Mass.	McKinley	Sanders, La.
Costello	Greene, Vt.	McLaughlin, Mich.	Sanders, N. Y.
Crage	Griest	McLaughlin, Pa.	Saunders, Va.
Cramton	Hadley	McLemore	Schall
Crisp	Hamill	Madden	Scott, Mich.
Currie, Mich.	Hamilton, Mich.	Magee	Scott, Pa.
Dale, N. Y.	Hamlin	Mansfield	Scully
Dale, Vt.	Haskell	Mapes	Sears
Darrow	Hastings	Martin	Sells
Davidson	Hawley	Mason	Shackelford
Davis	Hayden	Mays	Shallenberger
Decker	Hayes	Meeker	Sherley
Dempsey	Heaton	Miller, Wash.	Shouse
Denison	Hedlin	Mondell	Siegel
Denton	Helm	Montague	Sims
Dewalt	Helverling	Moon	Sinnott
Dickinson	Hensley	Moore, Pa.	Sisson
Dill	Hersey	Moore, Ind.	Slayden

Slemp	Sullivan	Van Dyke	Welty
Sloan	Summers	Vare	Whaley
Smith, Idaho	Sweet	Vestal	Wheeler
Smith, Mich.	Swift	Vinson	White, Me.
Smith, C. B.	Switzer	Voigt	White, Ohio
Smith, T. F.	Tague	Volstead	Williams
Snook	Taylor, Ark.	Waldow	Wilson, Ill.
Snyder	Taylor, Colo.	Walker	Wilson, Tex.
Steagall	Temple	Walsh	Wingo
Stedman	Templeton	Walton	Winslow
Steele	Thomas	Ward	Wise
Stephens, Miss.	Thompson	Wason	Wood, Ind.
Sterling, Ill.	Tillman	Watkins	Woods, Iowa
Sterling, Pa.	Tilson	Watson, Pa.	Woodyard
Stevenson	Timberlake	Watson, Va.	Wright
Stiness	Tinkham	Webb	Young, N. Dak.
Strong	Treadway	Wellington	Young, Tex.

NAYS—21.

Anthony	Flood	London	Sherwood
Black	Gordon	Lunn	Stafford
Caldwell	Hardy	Merritt	Venable
Claypool	Harrison, Va.	Miller, Minn.	
Connally, Tex.	Humphreys	Mott	
Dent	Johnson, Wash.	Platt	

ANSWERED "PRESENT"—2.

Morin	Sanford
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NOT VOTING—61.

Britten	Fairchild, G. W.	Husted	Price
Capstick	Fairfield	Johnson, S. Dak.	Rowland
Carew	Flynn	Jones, Tex.	Rucker
Chandler, N. Y.	Garrett, Tenn.	Kahn	Scott, Iowa
Coady	Good	Keating	Small
Copley	Graham, Pa.	Kettner	Snell
Cox	Gray, N. J.	Kraus	Steenerson
Crosser	Gregg	Kreider	Stephens, Nebr.
Curry, Cal.	Hamilton, N. Y.	LaGuardia	Talbott
Dallinger	Harrison, Miss.	Lea, Cal.	Townner
Dies	Haugen	McCormick	Weaver
Drukker	Heintz	Maher	Wilson, La.
Dunn	Hollingsworth	Mann	Zihman
Eagle	Hood	Nicholls, S. C.	
Estopinal	Houston	Porter	
Fairchild, B. L.	Huddleston	Pou	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. HAMILTON of New York (for) with Mr. SANFORD (against).

Until further notice:

Mr. LEA of California with Mr. CURRY of California.

Mr. STERLING of Pennsylvania with Mr. HEINTZ.

Mr. HOUSTON with Mr. JOHNSON of South Dakota.

Mr. COX with Mr. MCCORMICK.

Mr. DIES with Mr. CAPSTICK.

Mr. GARRETT of Tennessee with Mr. BRITTEN.

Mr. KETTNER with Mr. COPLEY.

Mr. POU with Mr. FAIRFIELD.

Mr. RUCKER with Mr. GOOD.

Mr. ROGERS. Mr. Speaker, my colleague, Mr. DALLINGER, is detained at his home in Massachusetts on account of illness. He has requested me to announce to the House that he is in favor of this bill and would have voted "yea" had he been able to be present.

Mr. SIEGEL. Mr. Speaker, I am requested to announce for my colleagues, Mr. LA GUARDIA, Mr. DUNN, and Mr. SNELL, that they would have voted in favor of this bill if they had been present.

The result of the vote was announced as above recorded.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. JONES of Texas, by unanimous consent, was granted leave of absence for three days, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. SIMS. Mr. Speaker, I want to submit a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. SIMS. I want to ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11.30 a. m. to-morrow.

Mr. GILLET. Mr. Speaker, I am very sorry, but I think a great many Members expected that the House was going to meet at 12 o'clock to-morrow.

Mr. SIMS. Let me explain. I understand there is going to be some time in regard to the change of reference of some bill, and I only wanted to get that in at that particular place before we take up the railroad bill.

Mr. RAKER. Mr. Speaker, reserving the right to object, there are two or three committees, particularly the Committee on the Public Lands, that want to have a meeting—

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

SOLDIERS AND SAILORS' CIVIL RIGHTS.

Mr. WEBB, from the Committee on the Judiciary, submitted a conference report on the bill H. R. 6361, the soldiers and sailors' civil rights bill, for printing under the rule.

EXTENSION OF REMARKS.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a patriotic address made in Pittsburgh by the gentleman from Michigan [Mr. JAMES] on Washington's Birthday.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print in the Record a patriotic address made by the gentleman from Michigan [Mr. JAMES] on Washington's Birthday. Is there objection?

Mr. WALSH. I object.

Mr. RAKER. Mr. Speaker, I rise for the purpose of presenting a unanimous-consent request. I ask unanimous consent that I may extend my remarks in the Record on the bill H. R. 9053, known as the Pacific coast military highway bill, a bill introduced by myself, and also other remarks upon that bill.

The SPEAKER. The gentleman from California asks unanimous consent to print a speech of his own in the Record on the bill H. R. 9053, known as the Pacific coast military highway bill.

Mr. RAKER. The speech and remarks in regard to it.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman if this measure has been reported out by any committee?

Mr. RAKER. It has not been reported.

Mr. WALSH. Then I object.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter on the subject of cotton.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the Record by printing a letter on the subject of cotton. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill just passed, including the motion to recommit the same.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks on the bill just passed, including his motion to recommit. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California makes the same request. Is there objection?

Mr. WALSH. Mr. Speaker, I object to all these.

The SPEAKER. Does the gentleman object to the request of the gentleman from Washington [Mr. JOHNSON]?

Mr. WALSH. Yes; I object to them all.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Thursday, February 28, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the board of trustees, National Training School for Boys, transmitting annual report for the fiscal year ending June 30, 1917; to the Committee on the District of Columbia.

A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation for increase in compensation of Senior Assistant Chief of Division of Customs, fiscal year ending June 30, 1919 (H. Doc. No. 960); to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 10293) to amend all existing pension laws granting pensions to minor children of soldiers and sailors of the Civil War, the War with Spain, and the Regular Establishment; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 10294) to authorize free transportation for officers and men of the Army, Navy, and

Marine Corps of the United States when on furlough to and from their homes; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10295) to authorize absence by homestead settlers and entrymen, and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10296) authorizing the Post Office Department to acquire and extend the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; and promote the service to the public; to the Committee on the District of Columbia.

By Mr. SIMS: A bill (H. R. 10297) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: A bill (H. R. 10298) to prevent and punish the desecration, defamation, mutilation, or improper use of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. HOLLAND: A bill (H. R. 10331) to credit officers in the United States Naval Reserve with the time served in the naval auxiliary; to the Committee on Naval Affairs.

By Mr. EMERSON: Joint resolution (H. J. Res. 254) requiring the War Department to return to America the bodies of soldiers who die in Europe during the war; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 10299) granting a pension to Hattie C. Huntington; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 10300) granting an increase of pension to Mary J. Spate, helpless child of Joseph Spate; to the Committee on Pensions.

Also, a bill (H. R. 10301) granting a pension to Frank A. Smith; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 10302) for the relief of Ray Markey; to the Committee on Claims.

Also, a bill (H. R. 10303) granting an increase of pension to James Dougherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10304) granting an increase of pension to George B. Amann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10305) granting a pension to Mrs. C. Silberberg; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 10306) granting a pension to Charles W. Cross; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 10307) for the payment of certain claims for services rendered the United States in the construction of a building at Mare Island Navy Yard; to the Committee on Claims.

Also, a bill (H. R. 10308) granting a pension to William Deable; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 10309) granting an increase of pension to Henrietta Archer Forbes; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 10310) granting a pension to Ida M. Cunkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10311) granting a pension to Katie Clifford; to the Committee on Pensions.

Also, a bill (H. R. 10312) granting an increase of pension to William M. Moore; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 10313) granting an increase of pension to James Cunningham; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 10314) granting an increase of pension to Peter Minihan; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 10315) granting an increase of pension to William W. Robinson; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 10316) granting a pension to John Taylor; to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 10317) granting an increase of pension to John S. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10318) granting an increase of pension to William J. Windsor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10319) granting a pension to Isaac James Riffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10320) granting a pension to George W. Willey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10321) granting a pension to Martin Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10322) granting a pension to Joseph R. Bamberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10323) for the relief of William H. P. Steward and Emma S. Wise, heirs of John T. Steward; to the Committee on War Claims.

Also, a bill (H. R. 10324) for the relief of the heirs of Elijah Evans; to the Committee on War Claims.

Also, a bill (H. R. 10325) for the relief of the heirs of William E. Bradshaw; to the Committee on War Claims.

Also, a bill (H. R. 10326) for the relief of O. P. Gibson & Co.; to the Committee on Claims.

By Mr. RANDALL: A bill (H. R. 10327) granting an increase of pension to Eric Johnson; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 10328) granting a pension to Herbert B. Holloway; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 10329) granting an increase of pension to Alexander Roe; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10330) granting an increase of pension to George H. Young; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 10332) to pay certain taxes to the county of Stevens, State of Washington; to the Committee on Indian Affairs.

Also, a bill (H. R. 10333) to pay certain taxes to the county of Ferry, State of Washington; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODBECK: Evidence to accompany a bill granting a pension to Frank A. Smith; to the Committee on Invalid Pensions.

Also, evidence to accompany a bill granting an increase of pension to Mary J. Spate; to the Committee on Invalid Pensions.

By Mr. CAREW: Petition of railroad employees against fixing time limit for turning railroads back to private ownership; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Ohio: Petition of voters of Trumbull and Ashtabula Counties, asking for the passage of Senate bill 352 relating to the granting of pensions to the members of the United States Life-Saving Service who have been injured or incapacitated while in the line of duty; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Resolution adopted by the council of the city of Pittsburgh, Pa., in favor of improving the Ohio River and the immediate construction of the Lake Erie and Ohio River Canal; to the Committee on Rivers and Harbors.

Also, resolutions adopted by Philadelphia Chamber of Commerce, favoring proper housing facilities for mechanics employed at Hog Island shipyard, and urging early construction of dry-dock facilities; to the Committee on Appropriations.

By Mr. DALE of New York: Petition of the Pierian Club of Seymour, Tex., against increase in postage on second-class matter; to the Committee on Ways and Means.

Also, memorial of the Square Turn Tractor Co., Chicago, Ill., and resolution of the Santa Fe Woman's Club, Santa Fe, N. Mex., urging the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petition of Army and Navy Union, Captain Charles V. Gridley Garrison, No. 4, Erie, Pa., favoring passage of Senate bill 3063, to save Commodore Perry's battleship, the *Niagara*; to the Committee on Naval Affairs.

By Mr. DOOLING: Petition of Central Federated Union of New York, against the Borland eight-hour bill; to the Committee on Agriculture.

By Mr. ELSTON: Petition of citizens of Berkeley, Cal., favoring passage of the Kelly bill, House bill 8761; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petitions of clerk and letter carriers of La Salle and Branch No. 245, National Association of Letter Carriers, of Rockford, Ill., favoring passage of House bill 9414; to the Committee on the Post Office and Post Roads.

Also, petitions of the Mishawaka Woman's Club, of Mishawaka, Ind.; the Woman's Federation Club of Long Pine, Nebr.; Harry P. Stoeckell and Lottie Boree, of Wood River, Ill.; the Illinois Woman's Press Association, of Chicago; the Woman's Club of Granby, Mass.; the Pierian Club, of Seymour, Tex.; the

Kappa Alpha Theta Alumnae Club, of Greencastle, Ind.; and the Woman's Club of San Angelo, Tex., asking the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of the Page Kindergarten Alumnae Association, urging appropriation to provide for the Federal maintenance of the kindergarten division in the Bureau of Education; to the Committee on Education.

By Mr. LINTHICUM: Petition of Mrs. James W. Flack, jr., and A. D. McCommas, secretary of the Baltimore Real Estate Board, protesting against the passage of House bill 9248; to the Committee on the District of Columbia.

Also, petition of Jacob L. Newcomer, of Baltimore, Md., urging the passage of the Kenting bill, House bill 7356; to the Committee on Appropriations.

Also, petition of C. W. Hendley, W. W. Boyer & Co., Tidewater Portland Cement Co., the Frederick W. Lipps Co., the Blueridge Knitting Co., John R. Lemmert, Edward A. Strauf, Jones & Lamb Co., the Horn-Shafer Co., the Baltimore Pulverizing Co., B. Nicoll & Co., Enterprise Fuel Co., Henry G. Loewer, and John J. Reahl, protesting against the proposed elimination of fuel jobbers; to the Committee on Agriculture.

By Mr. MORIN: Petition of the Oakland Board of Trade, D. A. Jones, secretary, urging that no change be made in the present postal legislation until same has had thorough trial and that any changes made later be with the view of a rate upon second-class matter that will more nearly cover cost of service; to the Committee on Ways and Means.

By Mr. POWERS: Petition of Mrs. W. T. Horton and others, of Clay County, Ky., relative to increase in second-class mail rates; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of members of the Methodist Episcopal Church of New Bedford, Pa., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, February 28, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the truth of life, the truth that not only pertains to our physical being but for that which has pushed back the curtain and given to us glimpses of the life eternal and of the infinite possibilities of life. We thank Thee for the truth tellers among men, men of vision, men of far-seeing wisdom, who understand and read the signs of the times, and lead on as God's light illumines the way. Now, we pray Thee to guide us this day in all truth, that we may come to its close with a consciousness of having done the Divine will. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McKELLAR and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PERSONAL EXPLANATION—MEMPHIS AVIATION FIELD.

Mr. McKELLAR. Mr. President, some week or 10 days ago the New York World published an article by its Washington correspondent concerning me and certain other Senators. The article, so far as I am concerned, is wholly inaccurate and largely untrue. It is not my custom to notice such articles, and I would not do so in this case, except for the fact that it has since been republished in Tennessee, and for the further fact that I have since learned that the article was prepared largely by a young man who was the former secretary of former Senator Luke Lea, one of my opponents in the late senatorial primary in Tennessee. This subordinate of Senator Lea now represents Senator Lea's paper, the Nashville Tennessean, in Washington. The profiteers and their champions must be hard put to it when they are forced to employ such agencies to vilify and abuse a man who has fought them in the open. I therefore ask unanimous consent that the article as it appeared in the World and copied in the Chattanooga Times be printed in the Record immediately after this statement. In addition I now desire to read the statement that I have made in reference to said article.

"FEBRUARY 26, 1918.

"THE CHATTANOOGA TIMES,
"Chattanooga, Tenn.

"GENTLEMEN: As a rule I do not attempt to answer criticism of the kind that recently appeared in the New York World and republished in your paper of last Sunday, and I would not do so now but for the fact that the Chattanooga Times has always

been so loyally my friend, editorially and in its news columns, that I do not wish that you should be misled as to my actions by any such statement.

"I am not complaining of your publishing the article, for your paper is one paper that has a perfect right to criticize me whenever it sees fit, but I do wish you to know the facts.

"The article is adroitly worded, and is not only misleading and untruthful in character, but it is so craftily worded as to conceal the real truth. It gives a garbled statement of the Record, it publishes only a part of the Record, and it wholly falsifies my position, either by direct statement or by innuendo in three important particulars: First, as to my attitude toward the President of the United States; second, as to my attitude toward the War Department; and, third, my attitude toward the contract for the aviation field at Memphis and the system of letting contracts formerly in vogue in the War Department, now happily dispensed with.

"Mr. Editor, as you know, I have always supported President Wilson. There is no law on the statute books, so far as I can recall, which he has approved since he has been President that I did not vote for or support. I admire and esteem our great President very much. There is no man who could fill his position better in this great crisis. I doubt if anyone could fill it nearly as well. It seems providential that we have as our President in this the greatest crisis of the world's history a wonderfully able, calm, vigorous, determined, splendid man like Woodrow Wilson. My opinion of him is upheld by the records here, which show that every war measure that he has approved has received my vote. I have never publicly or privately criticized him, because I believe he is entitled to praise and support.

"Again, I have no grudge against the War Department. During this war it has done much for which it can be justly praised. It has also done or left undone things for which it has been very greatly criticized, and, in my judgment, properly so. Since the senatorial investigation the War Department has brought about a very complete reorganization of itself, and I believe it is doing better work now than ever before. It has adopted many important, effective, and far-reaching changes, which I think are the result of the Military Committee investigation.

"As to what this article says about the Memphis aviation field contract and my attitude toward contracts let by advisory committees of the Council of National Defense, I beg to say:

"When gentlemen come here from Tennessee seeking a contract, I either give them a letter of introduction or introduce them to the proper contracting officer. When Mr. Harmon, of the Harmon Co., referred to in the article, came here seeking a contract for the aviation field and telling me that he was a resident of Memphis and bringing letters from Memphis citizens, I gave him a formal letter of introduction to Mr. W. A. Starrett, the chairman of the emergency construction committee. There were a number of Memphis contractors wanting this aviation contract, and they all received the same kind of letters of introduction, or were introduced personally by me or by my secretary. I carefully explained to each one of these contractors, including Mr. Harmon, that I did not recommend any particular one for a contract, but that I hoped the contract would go to a Tennessee concern, because the camp was to be built in Tennessee.

"After I had given Mr. Harmon a letter of introduction, upon the faith of letters handed by him to me from Memphis friends, I found that Mr. Harmon had misstated the fact of his residence to me; that while he had done some work in Memphis, his firm was really located in St. Louis, and he himself lived elsewhere than in Tennessee. Upon learning this I protested to the War Department against Mr. Harmon receiving the contract, believing that Mr. Harmon had gotten the letter of introduction from me under a misstatement of facts. The falsity and maliciousness of the article published in the World and republished in your paper is shown by the following letter that I wrote to Capt. C. G. Edgar, of the Aviation Service, on August 24, 1917. This letter was in the Record, and if the World correspondent had wanted to be fair about the matter he should have published this letter, and then no statement from me would now be necessary. The letter is as follows:

"MY DEAR CAPT. EDGAR: Your letter of the 23d about the Memphis contract received and noted.

"The statement that you refer to in the third paragraph of your letter, which is as follows:

"Paragraph 3 of their (the emergency construction committee) letter states that this company was chosen upon recommendation by you."

"This statement of the emergency construction committee is an absolute, unqualified, and unmitigated falsehood. There is not a word of truth in it. It is a subterfuge for the carrying